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LAW OF NATURALIZATION.

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L A W

OF

NATURALIZATION

IN THE

United States of America

AND OF OTHER COUNTRIES.

BY

PRENTISS WEBSTER, A.M.

AUTHOR OF "THE LAW OF CITIZENSHIP IN THE UNITED STATES."

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BOSTON:

LITTLE, BROWN, AND COMPANY.

1895.

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P R E F A C E.

THE importance of the question of naturalization — its application and effect on the institutions of the country — must not be underestimated.

The inducements held out to aliens to come to the United States, “in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty” to themselves and their posterity with “ourselves and our posterity;” the restrictions upon the different races, excluding all but *Caucasians* and *Africans*; the statutory rules which guide through the probationary stages to citizenship on the side of the alien, and the duties which devolve on the courts to be satisfied that the requirements have been fulfilled by the alien; the rights and privileges to which the alien accedes when the naturalization is complete, and the protection abroad for which he can make demand, — severally merit careful attention.

Our statutory and other rules have no extra-territorial effect, and are in no wise dependent on any rule which may govern in the country of origin from whence the alien may come; and yet in the practice where the laws of the alien's country do not recognize the right of expatriation, or where there are prescriptions as to the

manner in which the alien shall depart, or where certain fixed obligations must be performed, the former alien, although a naturalized citizen, is liable to punishment upon return for violations thereof.

Therefore the observation would seem correct that complete naturalization, in an international sense, exists only then when in absolute good faith all the rules which govern emigration from the country of origin and all the rules which govern naturalization in the country to which the alien transfers his allegiance have alike been complied with.

It is an anomalous condition for an alien to become a naturalized citizen here, enjoy rights and privileges, and yet be denied the protection of this government in his country of origin, or perhaps elsewhere abroad; for where this country has no treaties on naturalization "it is impossible to insist that naturalization in the United States shall be respected;" yet it cannot be generally accepted where such treaties do exist that their practical effect is wholly satisfactory.

The aid of foreign governments is quite often important; for it is then, when the former alien returns to his country of origin, and there demands the protection of this government, that the want of good moral character, five years' residence, and other prerequisites required here for complete naturalization are generally detected from the records of the alien there before his departure, and the records of the court here bearing on his naturalization; an investigation shows in many cases the want of good faith in one way or another, — a requirement which every government demands of its subjects or citizens, and unhesitatingly enforces.

It is not the purpose in the following pages to enter into a discussion of the laws which govern expatriation in this country, nor of the laws of foreign countries which are herewith submitted (received through the Department of State in Washington and from other authentic sources), but to leave to the reader by comparisons to draw his own conclusions concerning the present condition of things, and suggest the remedies, if any, which should be applied.

In the Fifty-second Congress of the United States a bill was introduced into the House, but not acted upon, to the effect that "no alien who has ever been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, or who is an anarchist or polygamist, or who immigrated to the United States in violation of any of the laws thereof, or who cannot read the Constitution of the United States, shall be naturalized or adjudged by any Court to be a citizen of the United States, or of any State; nor shall any alien be naturalized who has not continuously for five years next preceding his naturalization resided within the United States, and for the last preceding twelve months within the State, District, or Territory in which the application is made."

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LAW OF NATURALIZATION.

IMPORTANCE OF THE QUESTION.

"THE abuses of American citizenship in foreign countries are much more frequent and grave than our people at home have ever realized. It is a very common thing for natives of other countries to maintain a residence in our midst barely long enough to procure certificates of naturalization. They then return to their native country, or take up their abode in some other, with no intention of ever returning to the United States for permanent residence."

F. R. of U. S. 1885, pp. 199, 200, 201.

"I am satisfied there is a great abuse of American citizenship by foreigners, who become naturalized in the United States without the slightest intention of either living there or performing any of the duties of citizenship. They are persons who seek to escape the duties and responsibilities of any country, and who, while masquerading as Americans whenever it serves their purpose, do not possess the first element of the American citizen, either in love or knowledge of our institutions, and frequently not even of our language."

F. R. of U. S. 1887, p. 37.

"It is high time that our legislatures were doing something to rescue our naturalization laws from the

disgraceful perversion to which they are subjected, and to cause those who seek the high privileges they confer to realize that imperative duties are likewise assumed, and that they shall in practice as well as in theory take upon themselves the full responsibilities of their new and exalted citizenship."

F. R. of U. S. 1887, p. 1072.

"It seems to us that the principle of our naturalization laws is in some degree questionable. We are far from wishing to refuse an asylum in this country to any unfortunate person who may have been compelled to seek refuge among us by poverty or political or religious persecution. Let our country always continue to afford them protection and shelter. Still less should we wish to discourage men of wealth, learning, or skill in the arts, from resorting to our shores. We should rather aim to introduce among us the arts and industry of foreign nations. But admitting all this, it by no means follows that it is advisable to admit to the privileges of citizenship indiscriminately every foreigner that may come into the country. It is unfortunately a fact that a very large part of the emigrants from Europe is composed of the most vicious and degraded part of its population. Under these circumstances we cannot refrain from the inquiry, why every ignorant and vicious being that comes here across the Atlantic should have the same political rights as our native citizens who have been educated and brought up with some knowledge of our institutions."

1831. *American Jurist*, vol. vi. p. 59.

WHO ARE CONCERNED IN THE QUESTION.

Two sovereignties are concerned in every transfer of citizenship in international practice, — the sovereignty of which the individual is a citizen, and the sovereignty of which the individual seeks to become a citizen. In each one of these sovereignties there are laws which define the relation of the individual to the State. These laws may be written or unwritten; whichever may be the fact is of concern only to the State itself. In the exercise of its sovereign power the State prescribes and has the power to enforce these laws within its own jurisdiction, which are enacted for the good of the whole, of which the individual is a part, and under which he lives, for the common good of the whole, himself included. These laws construct the political nationality of the State. This political nationality has a relation in international law to other political nationalities, which relation is its international individuality, which each national sovereignty respects in others, and in turn is entitled itself to be respected and recognized. This recognition on the part of other national sovereignties implies the rights of autonomy in each sovereignty thus recognized, which rights are known in the international practice to be the care of its own internal affairs. These internal rules are not identical in each and every sovereignty in so far as the relations of the individuals who compose the sovereignty are concerned either to each other within the State or to the State itself. Therefore whatever these internal rules may be, they must be held in international practice to be the character and stamp which the State

places politically upon its members at home and abroad, which character the international practice requires that other States should recognize and respect.

The transfer of citizenship in modern times grows out of the comity of nations, under which the rights of travel for educational and commercial purposes and continuous sojourn of the citizens of one nation in the domains of other nations has become a necessity for the common good of mankind in the advancement of the individual. The transfer of citizenship is by an act known as expatriation, which is recognized to mean not only emigration, but also naturalization. Emigration means legal departure from the sovereignty of which the individual may be a member; which departure is governed by the laws of the State from which the member departs. Naturalization is the act by which the member who legally departs his own sovereignty acquires membership in the sovereignty to which he emigrated. By the simple act of emigration there is no transfer of citizenship; to it must be added the act of naturalization in accordance with the laws of the sovereignty to which the emigrant has emigrated. These two acts combined work the transfer of citizenship.

If the naturalized citizen upon return to the country of origin is expelled for an action punishable by the laws of his original country committed before his emigration, including avoidance of or desertion from his military obligations, this government would have no occasion to intervene.

F. B. of U. S. 1892, p. 15.

Were the rules which govern the right of emigration identical in each and every international sovereignty, and were the rules which govern the right of naturalization identical in each and every sovereignty, the transfer of citizenship would be free from complications which beset these acts in the present practice. It is the differences in these rules which cause the conflict on these questions. Therefore, in order that the transfer of citizenship in all that it implies may be enjoyed, the rules as to emigration and naturalization must be strictly observed, as they govern in the respective sovereignties, in order to work an expatriation. To reach this point of observation, the recognition of the right of autonomy or regulation of internal affairs by such rules as the government of each international sovereignty may enact, must be considered as the first principle. These rules are known as municipal laws, and do not extend in general operation beyond the jurisdiction over which the sovereignty has control, except as regards its own citizens or subjects. The Constitution of the United States has no extra-territorial effect (149 U. S. 738), — no more than have the laws of other countries.

The Apollon, 9 Wheat. 362.

Exchange v. McFadden, 7 Cranch, 136.

7 Op. Atty.-Genls. of U. S. 230.

14 Op. Atty.-Genls. of U. S. 156.

THE PURPOSE IS TO REACH A STANDARD OF
CITIZENSHIP.

Expatriation is complete when the rules which govern emigration have been complied with upon an interpreta-

tion by the proper tribunals of the sovereignty from which the emigrant departed, and the rules which govern naturalization in the sovereignty in which the emigrant seeks citizenship have been followed upon a construction by the respective courts having jurisdiction. It is not intended that each individual contemplated transfer of citizenship shall be legally passed upon in all aspects before the transfer is recognized, only that in order to reach the standard of citizenship known in the international practice these rules must in every instance be legally observed, — the standard to which a legal expatriation brings the emigrant is the enjoyment of all the rights and privileges which the laws of the sovereignty allow to its members when at home, and equal protection when abroad. This standard is not reached when any of the elements necessary to a legal emigration and naturalization are wanting.

The rule is laid down in *Hazie Seyyah's Case*, that the effect of naturalization under the laws of the United States is in no wise dependent upon, or affected by the laws of the alien's country. So far as we are concerned it is perfectly immaterial whether the alien has, or has not, the right to emigrate, if he be lawfully admitted to American citizenship; and his rights would be effectively respected in the United States, and protected in a third country. But when the alien voluntarily returns to his native country, presumably knowing the laws thereof in regard to himself, he becomes the subject of a conflict of laws. Any claim by his country of origin that his naturalization here is not valid, because lacking the prior consent of his former government, cannot be admitted; but, on the other hand, and in the

absence of a treaty of naturalization, its validity may not be practically enforceable against the counter-claim of the country of origin that under its laws he has not lost his original allegiance.

F. R. of U. S. 1893, pp. 499, 699.

THE STANDARD OF CITIZENSHIP.

Citizenship in the United States has two aspects. On the one side in this country it carries with it electoral privileges and other prerogatives and immunities as to which the naturalized citizen, no matter how destitute in other respects, has the same political rights with native-born citizens, no matter what may be their other advantages.

On the other side it gives such citizens when abroad the right to the protection of the United States to the full extent of its capacity against foreign powers.

F. R. of U. S. 1887, p. 42.

Citizenship in the United States is a high privilege, and when granted to an alien confers great prerogatives, whose maintenance, when they are honestly procured and faithfully exercised, the United States will exert its fullest powers to vindicate.

F. R. of U. S. 1886, p. 12.

The great privilege of a citizen of the United States is to demand the care and protection of the Federal government over his life, liberty, and property, when on the high seas or within the jurisdiction of a foreign government. Of this there can be no doubt, nor that the right depends upon his character as a citizen of the United States.

Slaughter House Cases, 16 Wallace, 36.

The use of the word "citizen" in the Constitution expresses the political quality of the individual in his relation to the nation; to declare that he is a member of the body politic, and bound to it by the reciprocal obligation of allegiance on the one side and protection on the other.

Op. Atty.-Genl. Bates, 1862.

Citizens are members of the political community to which they belong.

U. S. *v.* Cruikshank, 92 U. S. 551.

Each and every question relating to citizenship is determined by municipal law in subordination to the law of nations. A question as to status or citizenship arising in the United States is determinable by our law.

12 Op. Atty.-Genls. 819.

IN THE UNITED STATES CITIZENS ARE NOT CLASSIFIED.

The citizens of the United States, regardless of the manner in which the citizenship is acquired, are not classified in their rights and privileges. In regard to their protection at home and abroad we have no law which divides them into classes, or makes any difference whatsoever between them.

9 Op. Atty.-Genls. 356.

There is no discrimination as to American citizens at home or abroad because of their religious tenets.

F. R. of U. S. 1886, p. 775.

All naturalized citizens of the United States while in foreign countries are entitled to and shall receive

from the government the same protection of persons and property which is accorded to native-born citizens.

R. S. of U. S. Sec. 2000; Sec. 2001.

A naturalized citizen who resides abroad has the same right to the protection of the government, and stands upon the same footing in all other respects, as a citizen by birth residing abroad.

14 Op. Atty.-Genls. 295.

An approach to classification may be said to exist, when, because of long continued residence abroad, or for some other reason, the citizen is denied the right of protection. There are duties which devolve on each and every citizen of a country; and when he absents himself to an extent that he evades them, the practice recognizes the right in the executive to deny protection and place the applicant in a position to produce evidence of his intention and of his good faith towards his government.

In 1889, on an application to the Legation in France for a passport by one, a native-born citizen of the United States, it appeared that the applicant had resided in France for eighteen years, during which time he had been in this country nine times, where he paid taxes on real and personal property, but could not state when he purposed returning to reside permanently, and had no present intention to do so; it was held that "it cannot be said that a person bears true faith and allegiance when at the same moment he declares that he has at present no plan, intention, or desire to perform the duties of citizenship, — which is about as broad and comprehensive a renunciation

of those duties as could be expressed. "Passport refused."

In re Blackington, F. R. of U. S. pp. 167, 169.

In re Richter, F. R. of U. S. 1887, pp. 35, 37.

In the Curaçoa Cases, a suggestion of qualified protection was made on application for passports by four natives of the island born of native American citizens there domiciled. It appeared that the applicants had reached majority, and had there resided since their birth; on the ground that every person owes an allegiance to the country of birth, the United States has no right to interfere with that relation; therefore, if the applicants can receive any passport, it must be a qualified one, which should state that although they were citizens of the United States, they were only so in a qualified sense.

13 Op. Atty.-Genls. 91.

Ludwig Henkel, born in the United States of a father who declared his intention to become a citizen, then went to Venezuela, and thence returned to his native country, taking his son with him in his eighteenth year as an apprentice in Germany; the son applied for a passport. It was held that it might be given him, but with the instruction that the United States do not guarantee him against any claim which may be asserted to his allegiance or service by the government of Germany while he remained in that country. Having been born of a German father, conflicting claims with respect thereto might arise which it is not the purpose of the United States by the issuance of a passport to in anywise prejudice.

F. R. of U. S. 1892, p. 190.

Alexander Block, born in the United States in 1875, of a father who emigrated in 1870, and was here naturalized. In 1880 he returned to Germany. In 1891, when sixteen years of age, he asked for a passport for protection, his father having deserted the family. It was held that the passport might be given him, but with instructions that should a claim be made on him by the German government, little hope could be given him for a successful appeal in his behalf; first, because he has not been in the United States since 1880; second, because he knows but little about his father's naturalization, except from hearsay; third, because he knows but little about himself; fourth, because he does not even speak the English language.

F. R. of U. S. 1892, p. 191.

It may be properly questioned whether or not under the naturalization treaties between the United States and certain foreign countries a classification is made between citizens of the United States notwithstanding the decision in 9 Op. Atty.-Genls. 356. With these countries the principles of naturalization are reciprocally recognized; yet a return of the naturalized citizen to his country of origin, and renewal of his residence for a term of two years uninterrupted, may be held to effect a renunciation of his citizenship in the United States, and a reacquisition of his former nationality. This rule is laid down by treaty with the German States and Denmark; whereas with the Republic of Ecuador the rule is not in itself so effective, and the intent to renounce citizenship in the United States cannot be inferred, and may be rebutted by evidence to the contrary.

In re Ungar, F. R. of U. S. 1873, ii. p. 1307.

In re Carl F. Selbach, born in Germany, emigrated to the United States in June, 1867, was naturalized June 26, 1872, returned to Germany in July, 1872, and went into business. Was notified that he could not remain in Germany longer than two years. He disregarded the notice; whereupon it was held that he had renounced his citizenship in the United States under the treaty of 1868, and was held to be a German. Intervention did not avail in his behalf.

F. R. of U. S. 1875, i. p. 569.

Again, under the rule laid down in F. R. of U. S. 1893, p. 699, that in the absence of a treaty of naturalization it becomes impossible to insist that the naturalization of aliens shall be respected in country of origin, citizenship granted to such aliens by the United States would seem to classify him in respect to his rights abroad.

Again, under Rev. Stat. Sec. 2166, naturalization is acquired by aliens in consideration of services in the army and navy upon proof of one year's residence. A subject of Baden, Bavaria, Hesse, North German Union, Würtemberg, and Norway and Sweden under the naturalization treaties, must reside in this country for a period of five years, and the effect of the naturalization under Section 2166 is null and void, in so far as the country of origin is concerned.

Whart. Int. Law Dig. vol. ii. pp. 839, 840.

IN THE UNITED STATES A DISTINCTION IS MADE BETWEEN
ALIENS AS TO WHO MAY BECOME CITIZENS.

The rights of sovereignty give to every sovereign nation the power to forbid the entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe.

Fong Yue v. U. S., 149 U. S. 698.

And it is an accepted maxim in international law that every sovereign nation has the power as inherent in sovereignty to its self-preservation, to forbid the entrance of foreigners within its dominions, and to admit them only in such cases and upon such conditions as it may see fit to prescribe.

Ekin v. U. S., 142 U. S. 651.

Ping v. U. S., 130 U. S. 581.

Knox v. See 12 Wallace, 457.

Ting v. U. S., 149 U. S. 698.

Within the scope of these principles classification of aliens in the matter of acquisition of citizenship in the United States would seem to be grounded.

The laws of naturalization under Sect. 2169, Rev. Stat., "shall apply to aliens being free white persons, and to aliens of African nativity, and to persons of African descent."

Under the Act of Congress on naturalization, approved April 14, 1802, "any alien being a free white person may be admitted to become a citizen." In substance this was the rule until the revision of the Acts of Congress June 22, 1874, when the words, "being a free

white person" were omitted, and remained omitted until February 18, 1875, when Section 2169 was enacted in its present form. During this interim there existed no discrimination in regard to race or color.

THE CHINESE.

By Act of Congress, May 6, 1882. "Hereafter no State court or court of the United States shall admit Chinese to citizenship."

In re Ah Yup, 5 Sawyer, 155, it was held that a native of China of the Mongolian race is not a white person within the meaning of Section 2169, and consequently cannot become a citizen.

In re Chin King, 23 Am. Law Review.

In re Ah Chew, 16 Nev. 61.

The question in relation to the Chinese has been considered in

Chew Heong v. U. S., 112 U. S. 542, 543.

Chae Chan Ning v. U. S., 130 U. S. 595, 596.

After some years' experience under treaty of July 28, 1868, the government of the United States was brought to the opinion that the presence within our territory of large numbers of Chinese laborers of a distinct race and religion remaining strangers in the land, residing apart by themselves, tenaciously adhering to the customs and usages of their own country, unfamiliar with our institutions, and apparently incapable of assimilating with our people, might endanger good order, and be injurious to the public interests, and therefore requested and obtained from China a modification of the treaty.

Fong Yue Ging v. U. S., 149 U. S. 717.

THE JAPANESE.

In re Shebata Saito, a native of Japan applied for naturalization. The Circuit Court of the United States for the District of Massachusetts in 1894 held that the Japanese, like the Chinese, belong to the Mongolian race, and are not included within the term white person, as set forth in Rev. Stat. Sec. 2169, citing

In re Ah Yup, 5 Saw. 155.

In re Carville, 6 Saw. 541.

Elk v. Wilkins, 112 U. S. 94, and

Fong Yue Ging v. U. S., 149 U. S. 716.

Cong. Globe 1869-70, Part VI. p. 5121, and

Cong. Rec. vol. iii. Part II. p. 1081.

THE BURMESE.

The subjects of Burmah are held to be of the Mongolian race, and have been held incapable of acquiring rights of citizenship under the naturalization laws.

In re Po., 28 N. Y. S. 383.

THE HAWAIIANS.

In re Kanaka Nian (Utah), 21 Pac. 993, Section 2169 is construed to mean the white and African races. An applicant from the Hawaiian Islands was held not to be included in the white and African races, and could not be naturalized. The court discussed the race question as follows: Blumenbach classified the human family into five varieties, — the Caucasian, Mongolian, Ethiopian, Malay, and American. Currier reduced these five to three, — Caucasian, Mongolian, and Ethi-

opian, — treating the Malay and American as subdivisions of the Mongolian. Jacquinet does the same. Tyler approves of Huxley's division into Australians, Negroes, Mongols, and Whites, dividing the Whites into fair white and dark white. Among the Mongols he includes the Chinese, the Dyaks, Malays, and Polynesians. Van Ryan includes among the Malays, Polynesians and Hawaiians. The highest authorities class the Hawaiians among the Malay tribes. No authority classes them with the Caucasian or white races, or the Ethiopian or black races.

THE INDIANS.

The general statutes on naturalization do not apply to Indians, but they may be naturalized by special Act of Congress or by treaty.

Wilson v. Wall, 6 Wallace, 83.

7 Op. Atty.-Genls. 726.

An Indian cannot make himself a citizen of the United States without the consent and co-operation of the government.

U. S. v. Osborne, 6 Sawyer, 406.

A half white and half Indian blood is not a white person.

Gray v. State, 4 Ohio, 353.

Thacker v. Hawk, 11 Ohio, 377.

9 Op. Atty.-Genls. 853.

An Indian tribe within the territory of the United States is an independent political community in such a sense that a child, who is a member thereof, though born within the limits of the United States, is not a citizen thereof because not born subject to the jurisdic-

tion of the United States, and therefore is not a citizen within the meaning of the Fourteenth Amendment to the Constitution.

Kerrahoo v. Adams, 1 Dill. 348.

McKay v. Campbell, 2 Sawyer, 118.

See Rev. Stat. of U. S. Secs. 2079, 2080.

Upon inquiry instituted with regard to the Fourteenth Amendment to the Constitution in its relation to the Indians, the opinion was expressed "that the Indian tribes within the limits of the United States, and the individual members of such tribes, while they adhere to and form part of the tribes to which they belong, are not within the meaning of the Fourteenth Amendment subject to the jurisdiction of the United States, and therefore that such Indians have not become citizens of the United States by virtue of that Amendment."

Report of Committee on Judiciary, Sec. 14, 1870.

Kerrahoo v. Adams, 1 Dill. 348.

An Indian who has separated himself from his tribe, and taken up his residence among the white citizens of a State, but who has not been naturalized or taxed or recognized as a citizen by the United States is not a citizen within the meaning of the Fourteenth Amendment.

Elk v. Wilkins, 112 U. S. 94.

Ex parte Kenyon, 5 Dill. 386.

THE UNITED STATES RECOGNIZES THE RIGHT OF ITS CITIZENS TO THROW OFF ALLEGIANCE.

Under Rev. Stat. Sec. 1999, the right of expatriation is declared to be "a natural and inherent right of

all people," which the Attorney-General of the United States construed to mean, "includes citizens of the United States, as well as *others*, and the executive should give to it that comprehensive effect."

14 Op. of Atty.-Genls. 296.

See *Fong Yue Ting v. U. S.*, 149 U. S. 738.

Prior to this enactment in 1868, the exercise of the right had been quite general, although much discussed in the courts.

Murray v. Charming Betsy, 2 Cranch, 120.

Amther's Case, 9 Op. Att.-Genls. 62.

Shanks v. Dupont, 8 Peters, 246.

Inglis v. Sailors, 8 Peters, 99.

Bissell v. Briggs, 9 Mass. 461.

Jackson v. Burns, 3 Binn. (Penn.) 85.

Santissima Trinidad, 7 Wheat. 347, 348.

Fish v. Stoughton, 2 Johns. (N. Y.) Cas. 407.

Stoughton v. Taylor, 2 Paine, 655, 661.

Op. Atty.-Genls. of U. S. 8, p. 140; 19, p. 356.

The exercise of the right must be in perfect good faith.

F. R. of U. S. 1873, p. 1222; 1892, pp. 11, 13, 181.

The application of the rule to the extent as laid down in 14 Op. Atty.-Genls., 296, has not been attempted other than as a general practice in the United States as a municipal rule with no extra-territorial effect, except in so far as the principle has been recognized in international common-law practice by treaty with other countries, and then only between the contracting parties.

F. R. of U. S. 1885, pp. 669, 671; 1886, p. 252.

An American citizen who throws off his American citizenship lawfully and legally must be naturalized to re-acquire it.

F. R. of U. S. 1884, p. 451; 1891, pp. 751, 752.

14 Op. Atty.-Genls. 295.

U. S. *v.* Reading, 18 How. 1.

Wharton Int. Law, vol. ii. p. 324.

An interpretation of the principle is laid down in F. R. of U. S., 1884, p. 177, and 1887, p. 293, citing decision of Court of Lyons (France): "The acquisition of another national character is governed by the laws of the country where it is obtained; the loss of the original character depends only on the country to which the naturalized party belongs." Again, the Sultan of Turkey: "Your laws on naturalization are your own internal affair; our laws on the matter must be observed in the empire." F. R. of U. S. 1892, p. 533.

WHAT CONSTITUTES EXPATRIATION FROM THE UNITED STATES.

Section 1999 fails to designate what acts constitute expatriation on the part of a citizen of the United States, and fails to prescribe rules which shall govern its own citizens in the exercise of the right to elect another nationality.

F. R. of U. S. 1874, p. x; 1875, p. xvi; 1886, p. xi.

The question has been discussed as follows:—

The *Venus*, 8 Cranch, 279.

The *Frances*, *ibid.* 235.

White v. Burnley, 20 How. 235.

Brown v. U. S., 5 Ct. of Claims, 571.

Wynn v. Morris, 16 Ark. 436.

Woolridge v. Wilkins, 3 How. (Miss.) 860.

To constitute expatriation there must be an actual removal, accompanied by authentic renunciation of pre-existing citizenship. 8 Op. Atty.-Genl. 139.

Juando v. Taylor, 2 Paine, 652.

Settlement in Hawaiian Islands and taking oath of allegiance to the government by an American citizen leaves citizenship in doubt.

F. R. of U. S. 1882, p. 346.

Ex-Judge B. R. Curtis, being in England in the latter part of 1861, and being consulted by owner of several vessels in English ports, and being apprehensive of war between the United States and England, sent him to Hamburg in Germany, and placed him under the Hamburg flag. Owner took an oath before the authorities of Hamburg that he would be "true and faithful to the free and Hanseatic town of Hamburg and to the Senate;" the effect of which was "he acquired the position and the privileges of the upper classes of Hamburg." Life of B. R. Curtis, p. 488.

Wharton Int. Law Dig. vol. ii. p. 368, 372.

Webster on Citizenship, 803-305.

F. R. of U. S. 1883, p. 253.

EXPATRIATION RECOGNIZED BY TREATY WITH OTHER COUNTRIES.

The right of expatriation is not generally recognized in the international common-law practice as a natural and inherent right. The Act of Congress of the United States of July 27, 1868, asserted the abstract right of expatriation as a fundamental principle of the government; and yet it has not defined what acts or formali-

ties shall work expatriation from the United States. At the same time treaties were entered into with certain foreign powers by which to obtain from them a recognition of the principle of expatriation as asserted in the Act of 1868. The effect of these treaties is not to create rights; they simply recognize and define the rights of expatriation.

F. R. of U. S. 1882, p. 8.

They do not assume the legislative or judicial power of making or unmaking citizens.

F. R. of U. S. 1885, p. 888.

THE RIGHT IS RECOGNIZED BY TREATY WITH CERTAIN SOVEREIGNTIES.

With Austro-Hungarian Monarchy, see treaty, Articles I., II.

With Belgium, see treaty, Articles I., II., III.

With Bavaria, see treaty, Articles I., II., III.

With Baden, see treaty, Articles I., II.

With Hesse Darmstadt, see treaty, Articles I., II.

With North German Union, see Articles I., II.

With Württemberg, see Articles I., II.

With Norway and Sweden, see Articles I., II.

With Ecuador, see Articles I., II.

THE RIGHT OF EXPATRIATION PRESUMED TO EXIST IN ALIENS.

The principle applied to the alien who seeks naturalization in the United States rests on the presumption that he enjoys the right of emigration in so far as his country of origin is concerned. He has emigrated in

conformity to the law, and his departure is legal. There are no provisions of law in the United States by which an inquiry can be instituted. The status to this stage in the process of transfer of citizenship is presumed to be legal, for the naturalization cannot proceed on the consent of the sovereignty of the country of origin, nor could our courts, in which the judicial power of naturalization is vested, take cognizance of the consent of a foreign State as a precedent to naturalization.

F. R. of U. S. 1893, p. 499.

Mr. Freylinghuysen to Mr. Cramer, Oct. 19, 1882.

Wharton Int. Law Dig. vol. ii. p. 340.

A French citizen who is under military obligations for the active army, and becomes naturalized abroad, does not thereby lose his French citizenship, except when authorized by the French government. He continues to remain a citizen of France, notwithstanding the act of naturalization abroad.

Code Civil, Art. 17.

A citizen of Mexico, by naturalization, will not be protected from responsibilities incurred in his country of origin prior to naturalization in the republic.

Laws, Art. 8.

In Sweden, if an alien cannot be released from the duties of citizenship under the laws of his country, he must resign the same; which will have effect, however, only in Sweden.

Code, Art. 5.

In Norway, if applicant's government requires a release from the duties of citizenship, he must procure the consent before naturalization.

Civil Code, Sec. 3.

According to provisions of law in force between the governments of Persia and Russia, which is the foundation of the treaties with other countries, a Persian subject cannot enter the nationality or become a citizen of a foreign State without the permission of his government.

F. R. of U. S. 1893, p. 491.

According to Turkish practice, emigration without permission is a crime, and emigrants when naturalized in the United States, upon return to country of origin, are subject to arrest for having emigrated to and become naturalized in the United States, without the sanction of the Sultan.

F. R. of U. S. 1893, p. 688.

In the absence of a treaty of naturalization it becomes impossible to insist that the naturalization of aliens in the United States shall be respected in country of origin.

F. R. of U. S. 1893, p. 699.

In some countries the practice is by positive law to require proof by competent evidence that the alien has the right to expatriate himself.

In the Netherlands the applicant must prove that the laws of his country do not bar his naturalization.

¹ Laws on Nat., Sec. 3.

In Austria the applicant may be required to prove that he has the right to acquire a foreign nationality.

Austrian Code. Nat. Condition a.

In the English practice, to avoid any complications with foreign countries on the question of the right of the alien who seeks English subjection to expatriate

himself, the rule of qualified naturalization has been adopted, under which the qualified naturalized English subject cannot demand English protection abroad against the demands of his country of origin for defective emigration. Thus a partial and not a complete naturalization is effected.

In re Bourgoise, 41 Ch. Div. 310.

Nat. Act. of 1870, Sec. 7; 33 & 34 Vict. ch. 41.

F. R. of U. S. 1893, p. 684.

**PRACTICAL EFFECT OF PRESUMPTION THAT ALIENS ENJOY
THE RIGHT TO EXPATRIATE THEMSELVES.**

Acting on the presumption of the existence of the right of expatriation in all people under Sec. 1999 of U. S. Rev. Stat.,

THE ALIEN APPLICANT MAY BE UNDER GUARDIANSHIP.

Carl Heinrich Webber, born in Switzerland in 1845, emigrated to the United States in 1873. He was at the time of emigration, and has been ever since, under guardianship. In 1879 he applied for citizenship, and was duly naturalized in the United States. He subsequently applied for a release as a citizen of Switzerland. This was opposed by the authorities of the Canton in which he formerly resided, on the ground that, being under guardianship, he was not competent to transact business on his own account, and therefore could not waive his Swiss citizenship. The Federal Tribunal held that Webber, having emigrated with consent of his guardian, and being recognized in his American domicile as competent to transact business by the fact

of admitting him to naturalization, and having emigrated in a legal way, he was entitled to waive his Swiss citizenship as against the only opposing party, the authorities of the Canton in which he had his Swiss domicile prior to his emigration. The relation of the guardian to his American ward was not disturbed by the court.

F. R. of U. S. 1889, pp. 689, 690, 691.

THE ALIEN APPLICANT MAY BE A FUGITIVE FROM
JUSTICE.

Charles Laszlo, a native of Hungary, under the laws of his country was condemned to be an outlaw, and as such, escaped to the United States, where he became naturalized, and resided for sixteen years until the proclamation of amnesty, when he sought the first opportunity to return to his country of origin. He resided there twenty years, and then sought the protection of the United States government, asking for a passport. The question was considered, and protection refused, not on the grounds of his crime, but on the *animus revertendi*.

F. R. of U. S. 1887, p. 23.

F. R. of U. S. 1889, pp. 51, 52, 53, 54.

Meyer Gad, native of Russia, emigrated to Prussia, from which country he was expelled by order of court for reason of dishonest business acts. He emigrated to the United States in 1879, where, in 1884, he was naturalized as an American citizen, and then returned to Prussia. He sought the protection of the authorities of the United States against the decree of expulsion which was in force against him. The intervention of

the authorities did not avail in his behalf, and he was forced to leave the country.

F. R. of U. S. 1885, pp. 419, 420.

THE ALIEN APPLICANT MAY BE A DESERTER.

J. C. Carlin, born in France, entered the merchant marine of his country, and deserted his ship in New Orleans. Subsequently he became naturalized as a citizen of the United States. In 1887 he applied for protection from the authorities of the United States to visit France and see his aged mother. The application was referred to the French government, which ruled that the application must be refused; first, because he had deserted from the merchant marine, which was punishable with imprisonment; and second, because he did not report for services under the flag, which was punishable with imprisonment. The French government preferred the absence of such persons.

F. R. of U. S. 1887, p. 341.

Johann Starts, born in Germany, emigrated to the United States when he was actually in the army, and was absent on furlough. He was naturalized in the United States, and returned to Germany. Upon arrest he sought the protection of the United States, which was refused.

F. R. of U. S. 1875, i. p. 566.

**THE ALIEN APPLICANT MAY APPLY UNDER A NAME
OTHER THAN HIS OWN.**

Joseph Galleweski, born in Germany, emigrated to the United States, where he was naturalized May 5,

1884, under the name of Jacob Phillipps, and returned to Germany the month following his naturalization. He was arrested for evasion of military duty, and applied to the United States for protection. The German government withheld his papers, identified him as Joseph Galleweski, and before intervention he declared his intention to remain permanently in Germany.

F. R. of U. S. 1887, pp. 397, 398.

Joseph Osschuschki, born at Wilkowo, Posen, in 1853, emigrated to the United States in 1872, was there known as Joseph Wiener, but was naturalized under the name of Joseph Wernier, returned to Germany in 1886, and was arrested under judgment of 1878, condemning him to four weeks' imprisonment for evasion of military duty. He asked the protection of the authorities, who being satisfied by evidence of identification taken by the United States Legation in Germany, demanded his release. The evidence was submitted, and his release ordered, with a decree that he leave the country at once. Upon further investigation it was shown that the person naturalized in 1886 was Joseph Wernier, and only twenty-seven years of age, whereas Osschuschki was thirty-three. Undoubtedly he procured the papers of another person on which to return to Germany.

F. R. of U. S. 1885, pp. 412, 413.

THE ALIEN APPLICANT MAY HAVE TRANSGRESSED LAWS
OF HIS COUNTRY BY UNAUTHORIZED DEPARTURE.

Adolph Lipzyc, native of Poland in Russia, was naturalized in the United States without permission to

leave his country, and returned to Russia, where he was imprisoned for violation of the municipal law of that country. Pending discussion of his case, he was placed under bonds, which he forfeited by fleeing the country, which left the question as between the United States and Russia undetermined.

F. R. of U. S. 1887, pp. 944, 956.

F. R. of U. S. 1893, p. 714.

**THE ALIEN APPLICANT MAY TRANSGRESS LAW OF HIS
COUNTRY BY ENTERING SERVICE OF A FOREIGN
COUNTRY WITHOUT PERMISSION.**

Under the Russian law, whoever, leaving his country, enters a foreign service without the permission of the government, or takes the oath of allegiance to a foreign power, for this transgression of the duty of a loyal subject and of his oath, is liable to the loss of all social rights, and perpetual banishment from the empire, or, in case of his unauthorized return to Russia, to deportation to and settlement in Siberia.

F. R. of U. S. 1887, p. 945.

**THE ALIEN APPLICANT MAY BE UNDER DISABILITY OF
LAWS OF COUNTRY OF ORIGIN TO THE EFFECT THAT
ALLEGIANCE IS PERPETUAL.**

Israel Muller, born in Russia, Nov. 30, 1831, of Russian parents, emigrated to the United States in October, 1859, being then about twenty-eight years of age. On Dec. 6, 1884, he was naturalized at Brooklyn, State of New York, and bearing an American passport, returned to Russia in 1885, where, after a few days'

sojourn in his native village, he was arrested. The charge against him was that he had without leave emigrated and renounced his allegiance and duties to the Russian government. During investigation, he escaped and fled the country. The discussion was to this effect: the doctrine of the government of the United States, that a subject of one country has a right to transfer his allegiance and become a citizen of another, has been steadily refused recognition by the Russian government. Russia has never shown the least disposition to swerve from this principle, and there is no reason to believe that it may be moved to do so by any argument that the United States are able to put forth.

F. R. of U. S. 1885, pp. 659, 660, 671.

The same rule was laid down in the cases of Rheinhardt Wagner in 1883; A. N. Perrin, *alias* Pravin, in 1882; and in T. Mordaunt Sigismund in 1880.

F. R. of U. S. 1885, pp. 663, 664, 665.

THE ALIEN APPLICANT MAY BE UNDER DISABILITY OF
TIME WITHIN WHICH ALLEGIANCE TO COUNTRY OF
ORIGIN MAY BE THROWN OFF.

Charles E. Heintzman, naturalized in the United States as a native of Alsace-Lorraine, to which territory the German authorities maintained the treaty on naturalization between Germany and the United States did not apply after the annexation of those provinces to the German empire. Heintzman returned to Alsace, and was arrested for evasion of duty. Intervention in his behalf because of his naturalization in the United States did not avail: because, first, the naturalization

treaty did not apply to Alsace; and second, under the German Code ten years' absence abroad works a loss of German citizenship. He was held to be a German, and treated as such. The ten years' absence dates from majority, and does not run during minority.

F. R. of U. S. 1892, p. 177.

Mr. Aubray, born in France, naturalized in the United States, returned to France; held to be a French citizen because no authority had been given him by French government to change his nationality.

F. R. of U. S. 1884, pp. 180-183.

THE ALIEN APPLICANT MAY NOT HAVE FULFILLED
OBLIGATIONS EXISTING UNDER CONSCRIPTION LAWS
OF COUNTRY OF ORIGIN.

Antonio Chirighin, former subject of Austria, naturalized in the United States, returned to Austria, and was there ordered expelled from the empire as punishment for becoming an American citizen without having fulfilled the obligations of the Austrian conscription laws.

F. R. of U. S. 1887, p. 13, and pp. 405, 406.

In re Poiderbard, not allowed to return to France, because of failure to respond to conscript laws on notice served on him in this country.

F. R. of U. S. 1893, p. 300.

THE ALIEN APPLICANT MAY BE AN ALIEN CONTRACT
IMMIGRANT.

Under Act of Congress of Feb. 23, 1887, aliens who come to this country under contract are not allowed to

land. The application of the law of expatriation may avail, and the law of contract be evaded. The applicant, well knowing his evasion of the law of 1887, applies for naturalization, and becomes naturalized. On return to country of origin, and on claim for protection, the fact of the evasion might become known. Having left the country of origin with permission, and having changed allegiance in the international practice, the position of the United States would be to punish him for the evasion of the law on the ground of want of good faith towards the United States.

The question of deportation subsequently is partially considered in Act of Congress, Oct. 19, 1888, and *In re Lifieri*, 52 Fed. Rep. 293.

ALIEN APPLICANT MAY BE ABLE TO READ CONSTITUTION OF THE UNITED STATES IN HIS OWN LANGUAGE, THOUGH HE CAN NEITHER READ NOR WRITE ENGLISH.

In re Kinaka Nian (Utah), 21 Pac. 493, it was held that an applicant who could neither speak, read nor write English, and who was willing to promise to obey the laws of the United States, was not sufficiently attached to the principles of the United States, and well disposed to the good order and happiness of the same, to become a citizen.

And yet in *Burton v. Burton*, 38 N. Y. (1 Keyes) 359, it was decided that a widow of a naturalized citizen, who had never resided in the United States, was a citizen of the United States without any question as to her ability to speak, read, or write English.

Aliter F. R. of U. S. 1893, pp. 598, 599.

AN ALIEN, AFTER ARRIVAL IN THIS COUNTRY, AND BEFORE RECORD OF DECLARATION OF INTENT, OR AFTER RECORD OF DECLARATION OF INTENT, MAY VIOLATE A LAW OF HIS COUNTRY OF ORIGIN AND THEREBY BECOME AMENABLE TO THAT JURISDICTION.

For example, under the French Code, "Every Frenchman who, outside the territory of France, commits a crime punishable by the French law, may be prosecuted and judged in France." This wrong done here may not be held to be a wrong here, but may be under the French Code. For violation of the same he is punishable on return to France.

Again, under the French Code, "Every foreigner who outside the territory of France, and every Frenchman who outside the territory of France shall be guilty of a crime against the safety of the State, or of counterfeiting the seal of the State, national money having circulation, national papers or bank bills authorized by law, may be prosecuted and judged according to the provisions of the French laws, if he is arrested in France, or if the government obtains his extradition."

Under the German law, "Every German or foreigner who in a foreign country is guilty of high treason against the empire of Germany, or one of the States of the confederation, or of counterfeiting money, is punishable."

The same rule appertains in Austria, Belgium, Denmark, and most European nations, where the principle is recognized under the head of wrongs against the law of nations. The same position, in substance, was maintained by the Supreme Court of the United States in *United States v. Arizona*, 120 U. S. 479, where it

was held that Congress could legislate provisions for the punishment of offences against the law of nations committed in their country for counterfeiting foreign securities.

In so far as the United States are concerned, under these principles, the rule of good and moral conduct as becoming alien applicants for citizenship is alone affected by them; on the other side, however, the rules are rigidly enforced, as essential to the law of nations; whereas here, the enforcement only goes to municipal violations of our statutes.

In the case of Charles E. Mouneron, naturalized in the United States as a person of good moral character, returned to his country of origin, Alsace-Lorraine, in 1875, and there went into business, the German government had evidence to the effect that he had been, previous to his return, and since his return, in relations with a society called "La Ligne des Patriots," whose aim was the reacquisition of Alsace by the French; and consequently had been, and was, plotting against the safety of the German empire. He was ordered to leave the country without delay. Intervention in his behalf did not avail.

F. R. of U. S. 1887, pp. 415, 416.

**ALIEN APPLICANT MAY SEEK CITIZENSHIP SOLELY FOR
PERSONAL BENEFITS AND ADVANTAGES.**

Hubert P. H. Reggio, native of Smyrna, arrived in the United States in the year 1862, and took out his first papers. Returned to Smyrna in 1866 with a passport as a citizen of the United States. In May, 1872, returned to the United States and completed his natural-

ization. He claimed protection upon return to Smyrna as an American citizen, and asked to be registered as such at the United States consulate. Among other papers he had an Italian passport. He alleged that he carried on his business under French protection, by which government all his interests were protected. He used his papers as safe-conduits on his travels.

F. R. of U. S. 1873, ii. p. 1322.

Leopold Ungar, born in Bavaria, was naturalized in the United States in 1866. Returned to Europe, there went into business; returned occasionally to the United States, and for last time in 1871. In 1873 claimed the protection of the United States against extradition to Germany by authorities of Egypt for fraudulent bankruptcy in Germany. He first figured under an assumed name, but was later identified. German authorities produced proof to show domicile of Ungar to be in Cologne, and to have maintained same since 1867, having first sought permission of the police for that purpose. The German authorities claimed that by virtue of his domicile he had shown no intent to return to the United States, and consequently under the treaty of 1868 had lost his American citizenship. The authorities of the United States refused to aid him in his claim to protection, and did not interfere.

F. R. of U. S. 1873, ii. p. 1307.

Jacob Weick in 1869 was summoned to military duty in Germany, and instead of responding, emigrated to the United States, where he remained five years, and became naturalized. He then returned to Germany, where he was arrested for desertion, escaped, fled to Switzerland, where he claimed the protection of the

authorities of the United States. Intercession in his behalf effected no change in his status to Germany, whose authorities insisted on his being punished in case he returned to German territory.

F. R. of U. S. 1875, i. p. 570.

Antonio Joseph Maassen arrived in Guatemala in 1877, and on Oct. 30, 1877, presented himself before the German authorities with a certificate of service in the German army, and other documents to show his right to be registered as a subject of Germany. This was done, and assistance extended him and his family. Two years later he claimed protection from the authorities of the United States as a naturalized citizen, with a certificate of naturalization from the court of record of Fresno County, in California. The question of identification was raised against him, which was probably conclusive that he was not the person referred to.

F. R. of U. S. 1879, pp. 143, 144.

ALIEN APPLICANT MAY SEEK CITIZENSHIP THAT HE MAY
CLAIM EXEMPTION FROM LOCAL LAWS IN COUNTRY
OF ORIGIN UPON RETURN TO SAME.

A native German, naturalized in the United States, upon return to, and settlement in, Germany, claimed the intervention of the authorities of the United States, with proof of his American citizenship, because the German authorities denied to him the right to vote at an election; in another instance, because he was ordered to produce his child for vaccination; in another instance, to divorce from him his wife.

F. R. of U. S. 1878, p. 230.

An alien, naturalized in the United States, returned thereafter to his country of origin, and discovered that by the act of naturalization abroad he had placed himself under a disability to hold lands. He claimed exemption on the ground of his American citizenship. It was ruled that the question was purely one of municipal law in that country.

F. R. of U. S. 1885, p. 886.

NATURALIZATION SOUGHT EXCLUSIVELY FOR THE PURPOSE OF VIOLATING A MUNICIPAL LAW OF THE COUNTRY OF ORIGIN IS OF NO EFFECT AGAINST THE INTERESTS OF PUBLIC AND PRIVATE ORDER WHICH THE LAW IS MADE TO PROTECT.

F. R. of U. S. 1884, p. 178.

In re George Meimar, native of Turkey, naturalized citizen of the United States. Prior to his departure from Turkey he was declared a bankrupt, and returned for reason of illness of his mother, when an action was instituted against him. He set up the plea of American citizenship, and sought the intervention of the American authorities, claiming exemption from the jurisdiction of the courts. The Turkish authorities would not recognize his claim, and the action was pressed.

F. R. of U. S. 1889, pp. 718-720.

According to the Ottoman law on nationalities, Ottomans have not the right to acquire foreign naturalization without having first obtained the authorization of His Imperial Majesty the Sultan. The Sublime Porte will not admit illegal changes of this nature, and

requested the United States Legation to send instructions to its consuls in the empire that they may not give their protection to natives of Turkey who betake themselves furtively to America, and after remaining there for some time return to their country, provided with American passports, and claim to pass as citizens of the republic.

Turkish Minister of Foreign Affairs to U. S. Minister.

F. R. of U. S. 1892, pp. 533, 534.

An Ottoman subject who acquires a foreign nationality with the authority of the government is to be considered an alien; if without the authority of the government, his naturalization abroad will be considered null and void.

Ottoman Code V. He violates the municipal law of his country of origin when he fails to obtain the permission which the law requires. This requirement is a municipal rule of conduct which regulates the mode of departure from Turkish dominion by the subjects of the Sultan.

In re the Rev. Valentine Theodore Lanciotti, native of Italy, naturalized citizen of the United States, who desired to return to Italy to attend to his affairs. Held by the Italian government that fact of naturalization in the United States did not exempt him from obligations which rendered his emigration illegal, and therefore he must be held for punishment according to Art. 12, Crim. Code, F. R. of U. S. 1884, p. 340.

Citizenship in Italy is lost by renunciation of same before the officials of the place of residence and naturalization abroad, neither of which relieves from military service. Code, Sec. 10-11.

It would seem that the two elements — first, renunciation in form prescribed, and second, completed naturalization abroad — must unite to effect a legal transfer of citizenship.

In re Emmanuel C. Catechi, born in Greece, naturalized in the United States, returned to Greece, and was there held for military service, which he had evaded, for reason that, according to the existing laws of Greece, he could not change his nationality before attaining his majority and obtaining the authorization of the royal government. Any naturalization obtained outside these conditions could not absolve him of the legal obligation he was under to the Hellenic laws, and principally towards military service.

Upon request made he was finally released, but not as a matter of law.

F. R. of U. S. 1890, pp. 517, 519.

Former Greeks who have been naturalized abroad with the authority of the royal government recover their Grecian subjection, when, after return to Greece, they make declaration to the municipal authority of their desire to take upon themselves their former nationality and establish themselves in Greece.

Art. 26, Grecian Code.

In re Antonio Chirighin, native of Austria, naturalized in the United States, returned to country of origin and ordered expelled, or to assume former nationality, for reason that he became an American citizen evading the obligations of the Austrian conscript laws, and returned to his former home. The order was rescinded.

F. R. of U. S. 1887, pp. 13, 18.

Hugo Klammer, native of Austria, naturalized in the United States, returned to Austria, where he was ordered expelled from the country because he emigrated for the sole purpose of evading military duty as an Austrian subject, and that such conduct might give rise to public scandal.

F. R. of U. S. 1889, p. 28.

Alfred Janowitz, native of Austria, naturalized in the United States, returned to Austria, where he was held for unfulfilled military service. Upon application he was released, and punishment for evasion of the law waived on condition that he leave the country and not return.

F. R. of U. S. 1891, p. 22.

Leon Spitzer, native of Austria, naturalized in the United States, returned to Austria, and ordered expelled from the country "in the interest of public order."

The United States took the following position. This government can readily appreciate the irritation and resentment experienced by the Austro-Hungarian government towards its former subjects, who have acquired American citizenship merely to evade military duty, and having secured immunity return to their former homes, and sow dissatisfaction and dissension among the subjects of the empire. Nor is the government of the United States desirous to extend its protection to that class of persons who assume none of the duties of citizenship, while claiming all of its privileges and benefits.

F. R. of U. S. 1892, p. 13.

Reinhardt Wagner, native of Russia, naturalized in the United States, desired to return to his country of

origin, and discovered that he was charged with desertion, in this, that he had emigrated without permission, and to him was applied the rule, "Emigration without permission is regarded as equivalent to desertion, even though the emigrant may be an irresponsible infant; and on return of such emigrant he is liable to arrest and punishment."

The authorities of the United States interceded in his behalf, but to no purpose; when it was reported that he had returned, and had been transported to Siberia. Inquiry proved that he was in the United States.

F. R. of U. S. 1885, pp. 664, 665.

A. N. Pravin, *alias* Perrin, sought the protection of the United States on the same grounds as in Wagner's case. Upon inquiry he admitted he was a Russian Jew, owing military service, whereupon no intervention was taken in his behalf.

F. R. of U. S. 1885, p. 665.

The cases of Israel Muller in F. R. of U. S. 1885, p. 671, Abraham Thiessen in F. R. of U. S. 1887, p. 951, and Albert Lipszyc in F. R. of U. S. 1887, pp. 943-965, were met with the same arguments by the Russian authorities.

In regard to the Hebrews, they are subjected to a régime regulated by laws and ordinances for commerce, industry, and the police, peculiarly affecting the Hebrew race; and these rules are applicable to all Hebrews, regardless of their nationality, — a class legislation as distinguished from other Russian subjects. Upon inquiry as to Article I., Treaty of 1832, between the United States and Russia, that American citizens

enjoy in Russia the same security and protection as do the inhabitants of the country in which they reside, it was held that the class legislation which governed the Russian Hebrews also governed the American Hebrew when in Russia.

F. R. of U. S. 1885, p. 656.

This same question of class legislation against the Hebrew race was raised by the United States with Roumania preliminary to a treaty for the protection and recognition of the citizens of the respective countries. The inquiry led to the information that there were a large number of Hebrews of other nationalities settled in Roumania, against whom the government discriminated to protect its own subjects of the Christian belief. It was argued by the United States that they should be placed on an equal basis before the law with all other Roumanians. To which the Roumanian government cited the relations of the government of the United States towards the Chinese, yet gave assurance that the Hebrews would be placed on an equality before the law with other subjects of the country.

F. R. of U. S. 1879, p. 49.

The question is further discussed as to the status of former Russians naturalized in the United States, upon return to country of origin, to the effect, first: the United States has no treaty with Russia which in any way concedes on the part of Russia the right of expatriation as being in her subjects; and second, even should the United States maintain that, by the present state of international law, the right to transfer allegiance by naturalization is generally established, it is subject to the right of the sovereign of original alle-

giance to disregard such naturalization, when, so far as it concerns himself, it appears to have been illusory and insincere on the part of the party naturalized.

F. R. of U. S. 1885, pp. 669, 670.

The position taken by the Russian government in not recognizing as effectual to a change of citizenship naturalization of its subjects in the United States, is repugnant to American ideas and policy, and a violation of natural rights; yet it can hardly be said to be condemned by recognized international law. Under the earnest pressure of the United States, many modern nations by treaty have assented to the equitable doctrine of the United States on this point.

F. R. of U. S. 1885, p. 671.

It is a proper inference in many cases, when an alien violates the municipal law of his country in so far as pertains to a departure in a legally prescribed form as a preliminary step to naturalization abroad, that it is against public and private order. The principle is clearly laid down in the Swiss republic, where it is intended that every citizen shall exercise the utmost good faith towards his government and his fellow-citizens, and upon objections raised to his departure the tribunals shall pass upon them and determine the legality of the intended departure to transfer allegiance.

“Declaration of renunciation of Swiss citizenship must be presented in writing on justifiable grounds to the government of the Canton in which he resides, to which objections may be tendered by any person or persons interested, and the contest decided by the Federal Tribunal. If the objections are overruled by

the Tribunal, the applicant is declared free from all claims of State, Canton, or Commune."

Swiss Laws, Sections 6, 7, 8.

EFFECT UPON NATURALIZATION PROCEEDINGS IN THE
UNITED STATES WHERE THE RESTRICTIONS ON THE
ALIEN IMPOSED BY LAW OF COUNTRY OF ORIGIN ARE
BROUGHT TO THE ATTENTION OF THE COURTS.

The rule is laid down in 9 Op. Atty.-Genls. 356, that in regard to the protection of our citizens at home and abroad, regardless of the manner in which the citizenship is acquired, there is no law which makes any difference between them.

The rule is laid down in F. R. of U. S. 1893, p. 499, and in Wharton Int. Law. Dig. vol. ii., p. 340, to the effect that the United States cannot admit of qualified naturalization subject to the consent of the country of origin. Neither could our courts, in which the judicial power of naturalization is vested by law, take cognizance of the consent of a foreign State as a precedent to naturalization.

The rule laid down in F. R. of U. S. 1893, p. 699, that the absence of a naturalization treaty makes it impossible to insist that the naturalization of an alien in the United States shall be respected by the government of his country of origin, would seem to encourage a violation of the law of the country of origin by which to enjoy the benefits of citizenship in the United States, and at the same time to admit of a qualified naturalization, in so far as the alien is concerned, upon return to his country of origin, similar to the English rule, as expressed in the Naturalization Act of 1870, Sec. 7, 33

and 34 Vict. c. 41, enacted to avoid any complications with the government of country of origin of the alien naturalized in England upon his return to that country.

It is settled law in the United States that our courts do not take judicial cognizance of the domestic laws of a foreign country; they must be proved as facts. Virtually these laws are effectual on the alien upon return to his country of origin, with a passport as a naturalized citizen of the United States, against which, in countries with which the United States has no treaty of naturalization, protection is impossible, notwithstanding the rule laid down in 13 Op. Atty.-Genls. 92, that a passport is a certificate of citizenship, and the person receiving it is certified to be entitled to such protection as the government can give to its citizens in foreign countries.

It would, therefore, seem that the disabilities under which these aliens rest, who apply for naturalization, should be made known; and their status as American citizens, although complete in so far as the territory of the United States is concerned, yet is incomplete and distinctive from the status of other American citizens in their country of origin. This anomalous relation to the United States, created by the laws of naturalization, can only be considered as a qualified naturalization, and whether with intent to violate the laws of his country of origin or not, the alien does not improve his condition, in so far as his original citizenship is concerned, except by acquisition of privileges in the United States, which he would not enjoy were it not for his naturalization here.

It is difficult to perceive how the international standard of citizenship is reached until the disabilities are removed which rest upon the applicant, coming from countries with which no treaties of naturalization are in force; and yet in F. R. of U. S. 1885, p. 671, it is conceded by the United States that the position taken by certain sovereignties in not recognizing as effectual to a change of citizenship naturalization of its subjects in the United States, while repugnant to the American policy, is not condemned by recognized international law.

PRESUMPTIONS IN FAVOR OF THE ALIEN APPLICANT.

In the practice of the United States the alien applicant for citizenship is assisted with every presumption in his favor.

First, that he has the right to change his citizenship according to the laws of his country of origin.

Second, that he has entered upon the exercise of this right pursuant to the rules which govern emigration from his country.

Third, that he has departed his country in good faith towards his fellow-citizens, with whom he as a part constituted the whole.

Fourth, that he is qualified to comply with the requisites which pertain to naturalization in the United States, and competent to enter into the contract with the citizens of the United States, by which he shall enjoy equal rights and privileges, and perform the duties in the United States, and receive equal protection when abroad, even in his country of origin.

F. R. of U. S. 1893, p. 499.

WHAT THE ALIEN MUST BE THAT THE PRESUMPTIONS
MAY AVAIL HIM.

First, he must be of the Caucasian or African race.

Rev. Stat. of U. S. Sec. 2169.

Second, he must be a member of a sovereignty with
which the United States are at peace.

Rev. Stat. of U. S. Sec. 2171.

If the alien be a subject of a sovereign with whom
this country is on unfriendly relations, and to whom he
owes his allegiance, he is under a disability in this
country.

Ex parte Newman, 2 Gall. 17.

De Wahl v. Braune, 1 H. & N. 178.

In re Ovington, 5 Binn. (Va.) 371.

THE ALIEN ACTS IN GOOD FAITH IN TAKING ADVANTAGE
OF THE PRESUMPTIONS.

The inducement is extended by the United States.
The alien may be, according to the laws of his country
of origin, for reason of having emigrated without
authority, even a criminal, as declared by the laws of
the Ottoman empire in F. R. of U. S. 1893, p. 688 and
714, as to which no condition of citizenship can be
made under F. R. of U. S. 1893, p. 499, 699, because
the acquisition of citizenship in this country cannot be
made to depend on the consent of a foreign sovereign.
The alien, being under no requirement to disclose this
fact, and it being to his personal advantage not to do
so, proceeds to comply with the naturalization laws.
Our courts do not take judicial cognizance of the

domestic laws of a foreign country; they must be proved as facts.

Talbot v. Deeman, 1 Cranch, 1, 38.

Church v. Hubbard, 2 Cranch, 187.

Strother v. Lucas, 6 Peters, 763.

Ennis v. Smith, 14 How. 400.

This is especially true of unwritten laws.

U. S. v. Wiggins, 14 Peters, 334.

The burden is not on the alien to prove the domestic laws of his country. He is under no requirement to produce or to prove them. The inducement is extended him on the principles which govern in this country to become a citizen absolute and complete, free from all conditions. In this respect the difference is apparent from the English practice, where the alien returns to his country of origin according to 33 Vict. c. 14, that "when within the limits of the foreign State, of which the alien was a subject previously to obtaining his certificate of naturalization, he shall not be deemed to be a British subject unless he has ceased to be a subject of that State, in pursuance of the laws thereof, or in pursuance of a treaty to that effect." The practice of the United States substantially amounts to the statutory declaration of Great Britain; for in F. R. of U. S., 1893, p. 699, the department of State rules that in the absence of a treaty of naturalization, it is impossible to insist that the naturalization of Americans in the United States shall be respected by the Ottoman government.

THE INITIATORY ACT OF THE ALIEN PROVIDED THE
ALIEN IS OF AGE.

This act is known as the declaration of intention to become a citizen of the United States, and is recognized as the first condition precedent to citizenship. The rule which governs this act is laid down in Rev. Stat. of U. S. Sec. 2165 first.

In re Brownlee, 9 Ark. 191.

Brown v. McDonald, 1 N. W. Rep. 133.

ELEMENTS WHICH ENTER INTO THE FIRST CONDITION.

I. The declaration must be on oath.

II. The oath must be before a legally recognized tribunal, with jurisdiction co-extensive with the requirements of the statute.

III. The tribunal must receive the declaration on oath of the alien two years at least prior to his admission to citizenship.

IV. The declaration must set forth that it is *bona fide* the alien's intention to become a citizen of the United States.

V. The declaration must set forth that it is *bona fide* the alien's intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject.

Evans on American Citizenship, p. 16.

I.

The oath is not prescribed as to form, or the manner in which it shall be administered. The rule which governs the administration of oaths in the court in the locality in which the declaration of intention is made must be strictly observed. Where the court admits of affirmation in lieu of oath, the rule in this regard must be followed, and a note should be made of the fact to aid in the establishment of identity for future purposes at home and abroad.

U. S. v. Walsh, 22 Fed. Rep. 644.

Ex parte Randall, 14 Phila. (Penn.) 224.

In re Towle, 5 Leigh (Va.), 743.

State v. Boyd, 31 Neb. 711.

The oath held to be an *ex parte* matter. *In re* Andres, 77 Mich. 85.

The jurisdiction of the tribunal must be in strict conformity to the statutory requirements. Many instances are of record where courts have exercised jurisdiction, and subsequently the courts of last resort have passed upon the question of their jurisdiction.

In re Christern, 43 N. Y. Superior Court, 523.

Morgan v. Dudley, 18 B. Mon. 693.

Ex parte Burkhardt, 16 Texas, 470.

People v. McGowan, 77 Ill. 644.

Dale v. Irwin, 78 Ill. 170.

In re Connor, 39 Cal. 98.

State v. Whittemore, 50 N. H. 245.

Ex parte Gregg, 2 Curtis, 98.

People v. Pease, 30 Barb. 588.

Ex parte Gladhill, 8 Met. 169.

A court with no clerk or recording officer other than the judge of the court has been held to have no jurisdiction.

Mills v. McCabe, 44 Ill. 194.

State v. Webster, 7 Neb. 469.

It has been held that the taking of the declaration of intention is a ministerial act rather than judicial.

In re Butterworth, 1 Woodbury & M. 323

II.

The relations of the clerk of the court to the court, of the court to the clerk, of the court to the alien applicant, and of the clerk to the alien applicant have been discussed. It has been held sufficient if the declaration is made before the clerk out of his office and out of the court, and becomes part of his records when filed.

In re Bosca, 6 Kulp, 83.

In re Butterworth, 1 Woodbury & M. 323.

In re Andres, 77 Mich. 85.

Aliter In re Langtry, 31 Fed. Rep. 879, Opinion of Mr. Justice Field of the Supreme Court of the United States, where question of legality was raised as to declaration of an alien arising from right of clerk of court to carry his records to the private residence of the party making the declaration.

In *Saint Scola's Case*, 8 Pac. Cir. Rpts. 344, it was held that the declaration of intent must be made at office of clerk or in open court.

In re Clark, 18 Barb. (N. Y.) 444, the court denied the right of the clerk to act, holding that the duty must be exercised by the court, and not by the clerk,

and that the delegation of the power to the clerk is strictly forbidden.

Ex parte Knowles, 5 Cal. 300.

State v. Penney, 10 Ark. 621.

O'Connor v. State, 9 Fla. 215.

West v. West, 8 Paige, 433.

Weaver v. Fedgerly, 29 Pa. St. 27.

The discussion must now follow the statute as amended since many of the foregoing opinions were given. Rev. Stat. of U. S., addendum to paragraph 6 of Sec. 2165, "that the declaration of intent to become a citizen of the United States required by Sec. 2165 of the Rev. Stat. of the United States may be made by an alien before the clerk of any of the courts named in said Section 2165; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section." The evidence of the declaration of intent has been held to be the certificate of the court in which the applicant has filed his intention to become a citizen appended to the application in the court as made by him.

Berry v. Hall (N. M.), 30 Pac. 936.

In re Andres, 77 Mich. 85.

In re Smith, 18 Barb. (N. Y.) 444.

The original affidavit of a declaration of intention to become a citizen of the United States, or a copy properly certified by the clerk or deputy clerk of a district court, attested by its seal, is competent evidence.

State v. Barrett, 40 Minn. 65.

In naturalization of an alien a previous declaration of intention is an absolute prerequisite. The record is

not conclusive on that fact, and may be disproved by parol.

McCarthy v. Hodges, 2 Edm. (S. C.) 433.

Naux v. Nesbit, 1 McCord's Chan. Rep. 370.

The meaning of the declaration is the same as if name of potentate were included.

Ex parte Smith, 8 Blf. (Ind.) 395.

III.

The time within which the alien must declare the intention to become a citizen is fixed at two years at least prior to admission to citizenship. This does not mean that the declaration cannot be made at any time prior thereto. The alien may make his declaration soon after his arrival in this country, or he may delay three years from date of his arrival, or he may delay still longer should he see fit. In any event, he must delay two years after filing the declaration of intention, and with the time which has elapsed in the country prior to the filing of the declaration be in position to prove a five years' continuous residence to be admitted to citizenship.

Ex parte Randall, 14 Phila. (Penn.) 224.

IV.

The element of *bona fides* is of equal importance with the other elements which make up the first condition. Toward the United States this element should be carefully considered, and being declared on oath should manifest itself in all the relations by good behavior and attachment to republican principles as evidence of

worthiness to receive the benefits which citizenship conveys, and the powers which it confers. It has been held that the *bona fide* intention to become a citizen must be proved to the satisfaction of the court.

In re Cumming's Petition, 41 N. H. 270.

V.

The element of good faith, in so far as a renunciation of allegiance by the alien to the country of which he is a citizen, is of equal importance. The alien is presumed, in so far as he himself is concerned, and under the laws of his country, to know what those laws are. His ignorance does not excuse him.

Henry Mumbour, born in Germany, served three years in the army, and was then assigned to the "reserve." He obtained a leave of absence for one year, and in April, 1869, emigrated to America. In 1870 he was called into service, and this fact was made known to him in Pittsburg. He concluded to become naturalized in this country, and after five years did so, returning to Germany in 1874, where he was arrested as a deserter, and sentenced to one year's imprisonment. He claimed the protection of the United States; but the German government would not entertain any request on his behalf, on the ground that his acts had not been in good faith to either country.

F. R. of U. S. 1875, i. p. 569.

It has been held where the particular potentate's name was omitted, to whom the alien was subject, that the meaning was the same as if it were included. It was a substantial compliance with the Act of Congress.

Ex parte Smith, 8 Blf. (Ind.) 395.

And that a misnomer might be cured by parol evidence.

Behrensmeyer v. Kreitz, 185 Ill. 631.

MEANING OF DECLARATION OF INTENT.

The declaration of intention to become a citizen of the United States is an expression of a purpose to renounce the declarant's original allegiance. It is not a renunciation of his original allegiance. The actual renunciation is not effected until the applicant is admitted to citizenship. It becomes simply a matter of record to do a certain thing; namely, renounce allegiance to country of origin on becoming a citizen of the United States. It often happens that applicants, who have declared their intent to become citizens, change their minds, and fail to carry that intention into effect.

The declaration is merely expressive of a purpose, and does not have the effect either of naturalization or expatriation.

F. R. of U. S. 1871, p. 254; 1884, pp. 552, 560; 1887, pp. 303, 313, 329-340; 1890, pp. 694, 695.

Webster on Citizenship, pp. 131, 139.

McDaniel v. Richard, 1 McCord (S. C.) 187.

Baird v. Bryne, 3 Wall. Jr. 1.

City of Minn. v. Renn, 6 Cir. Ct. Ap. 31, 37.

EFFECT OF DECLARATION OF INTENT IN THE UNITED STATES.

When the applicant has filed his intention to become a citizen, he has not by this act made any change from his former allegiance. He has declared what he may

do at some future time, provided no objections are entered to prevent his execution of his purpose in the courts at the final hearing on his application, and provided he does not change his own mind. This does not confer any special rights or privileges in itself, other than those exercised by other alien residents in the country.

In some States, for certain elections, and under certain conditions, the right of suffrage is extended to such applicants as have declared their intention to become citizens; but the national government, nor its courts, which are authorized to carry out the purport of the laws of naturalization, can take any cognizance of these special State privileges. The applicant has simply complied with the first condition of the naturalization laws.

Baird v. Bryne, 3 Wall. Jr. 1.

In re Wehlitz, 16 Wis. 448, the Supreme Court of that State held that a declaration of intent in form provided by the naturalization laws of the United States had the effect to create the applicant a citizen of Wisconsin according to the Constitution and laws of that State.

An alien who has declared his intention to become a citizen of the United States, although by Constitution and laws of Minnesota he is entitled to enjoy the elective franchise and other privileges, is none the less an alien.

City of Minneapolis v. Renn, 6 Cir. Ct. Ap. 31, 37.

Any substantial compliance with statute held to be sufficient.

Ex parte Smith, 8 Blf. (Ind.) 395.

Yet it has been held that the declaration of intent secures to the declarant, his wife and minor children, the rights of naturalized citizens, with the exception of the right of suffrage, in *Settegast v. Schrimp*, 35 Texas, 344; while on the question of jurisdiction of courts an alien who has declared his intention can be sued as an alien, until he has been naturalized.

Baird v. Bryne, 3 Wall. Jr. 1.

Mere declaration of intention to become a citizen has been held to have no meaning.

McDaniel v. Richards, 1 McCord (S. C.), 187.

To have any effect it must be recorded in the court.

Rev. Stat. of U. S. 2165, c. 4.

State v. Barrett, 40 Minn. 65.

In re Christern, 56 How. Prac. (N. Y.) 5.

Even where oath is omitted, and renunciation of allegiance to foreign powers is omitted, the final naturalization is not invalidated, when continued on such a previous declaration of intention.

In re Towle, 5 Leigh (Va.), 743.

EFFECT OF DECLARATION OF INTENT WITHOUT THE UNITED STATES.

An alien applicant who has declared his intent to become a citizen of the United States is not entitled to make any claim for protection on return to his country of origin. He goes as a citizen of that country because he has never changed his allegiance from it. In case he goes to a country under the government of a third sovereign, he may enjoy a *quasi* protection under cer-

tain conditions because of his record in the United States of an intent to become a citizen.

Mr. Frelinghuysen to Mr. Wallace, MSS., March 25, 1884.

In a case of a former subject of Russia, who had declared his intent in the courts of the United States to become an American citizen, and who then went to Turkey, it was held, "while, as a proposition they continue from one point of view to be, for example, Russian subjects, they acquire by such declaration of intent a *quasi* right to protection, as against the claim of a third power to their allegiance. We would hold in case of dispute on this point that they retain a future right to perfect their naturalization in conformity with our laws."

F. R. of U. S. 1884, p. 552, pp. 560, 561.

EFFECT OF DECLARATION OF INTENTION ON RETURN TO COUNTRY OF ORIGIN.

The declaration does not clothe the alien with the nationality of this country, so as to enable him to return to his native country without being subject to all the laws thereof.

Whart. Int. Laws, Dig. vol. ii., p. 359, and authorities there cited.

Even when the first condition has been carried into the second condition, and the naturalization is complete on its face, if obtained by fraud, no protection is extended by this country upon return to the country of origin.

In re Pinzon, F. R. of U. S. 1885, p. 211.

Nor upon return to country of origin, when fully naturalized without fraud, under the laws of the United States, where no treaty of naturalization defining the status of such citizens exists.

F. R. of U. S. 1893, pp. 501, 699.

EFFECT OF DECLARATION OF INTENT IN SEMI-CIVILIZED COUNTRIES.

"Although a mere declaration of intent does not confer citizenship, yet under peculiar circumstances, in a Mohammedan or semi-barbarous land, it may sustain an appeal to the good offices of a diplomatic representative of the United States in such land."

Mr. Cass, Sec. of State, Aug. 18, 1858.

DECLARATION OF INTENT HAS NOT THE EFFECT OF NATURALIZATION UNDER THE TREATIES ON NATURALIZATION.

The general effect of a treaty in its relations to the Constitution and laws of this country is discussed in

Hanenstein v. Lynham, 100 U. S. pp. 483, 489, 490.

Treat on the Court and Gov. of the U. S. 204, and in *Bishop on the Written Laws*, p. 8 and following.

The particular effect of the naturalization treaties lies in their application to citizens of certain countries with which these treaties were entered into, wherein it is distinctly defined with Baden, Bavaria, Hesse, North German Union, and Würtemberg, that "the declaration of intent to become a citizen of one or the other countries has not for either party the effect of naturalization," and with Norway and Sweden the further stipulation is made, "has not for either party the effect of naturalization legally acquired."

ALIEN APPLICANT MAY BE DECREED TO HAVE ABANDONED HIS DECLARED INTENT TO BECOME A CITIZEN.

Where a person after making a declaration of intention, instead of remaining in the United States, and becoming duly naturalized, abandons the country and remains abroad, it must be inferred that he has also abandoned his intention to become a citizen.

William Gylling, native of Sweden, on the third day of February, 1881, declared his intent to become a citizen of the United States, and then went to Peru, where he claimed the protection of the authorities of the United States in 1890.

By the terms of the naturalization treaty with Norway and Sweden, "the declaration of an intention to become a citizen of the one or the other country has not for either party the effect of citizenship legally acquired."

It was held that almost twice the probationary period required for admission to citizenship after the date of first arrival in the United States has elapsed since he made his declaration. By going and remaining abroad he has continuously disabled himself from fulfilling these conditions. The inference under the circumstances must be that he has also abandoned his intention to become a citizen.

F. R. of U. S. 1890, pp. 693, 694, 696.

THE ALIEN MAY RETRACT HIS DECLARATION.

There is no obligation upon the alien to perform the second condition and its elements as set out in the naturalization laws. He may formally retract the

intention in the court where he made the declaration. He may decline to proceed further and remain an alien.

Brosco v. Gagliardo, 22 Cal. 83.

It may be inferred that the applicant has no intention to become a citizen from his actions in allowing the period of probation to pass, and in making no further application for naturalization.

A foreign-born resident of the United States, who has merely declared his intention to become a citizen, but has never complied with any other provisions of the naturalization laws, is none the less an alien, because of the facts that the Constitution and the laws of the State wherein he resides have conferred its elective franchise and other privileges of citizenship on foreign subjects who have declared their intention to be naturalized, and that he has actually voted for members of Congress and State and county officers. Nor is his status altered by reason of the fact that, when he so declared his intention, he was entitled, by reason of length of residence, to be naturalized under Section 2167; for that section merely dispenses with the two years' delay between the declaration of intent and the actual admission to citizenship which is prescribed by section 2165.

Minneapolis v. Renn, 6 Cir. Ct. Ap. 31, 37.

Persons who may have declared their intention to become citizens often change their minds, and fail to carry their intention into effect. Between the first step, in which the purpose of a change is announced, and the final step, there is a lapse of time required that due deliberation may govern. They have seen occasion to

avail themselves of the *locus pœnitentiæ*, which the law allows.

F. R. of U. S. 1871, p. 254.

In declaring an intent to become a citizen the alien announces the purpose of a change in citizenship.

ALIENS WHO COME TO THE UNITED STATES OF THE
AGE OF EIGHTEEN AND UNDER.

According to Rev. Stat. of U. S. Section 2167, aliens who have resided in the United States three years next preceding the age of twenty-one years are exempt from the first condition of Section 2165, and shall make the declaration in same manner and form as therein required at the time of admission.

REASONS FOR THE FIRST AND SECOND CONDITIONS.

The theory and practice has been, and is, that by the first condition the purpose of a change is announced by the alien, which purpose is to change allegiance from his country of origin, or some other country in which he may have acquired citizenship, to the United States. Having complied with the first condition, it remains for the applicant to comply with the second condition, which is a lapse of time within which the applicant shall fit himself for a faithful and legal assumption of the duties of citizenship, by testing the quality and steadfastness of his purpose, to take the final step with due deliberation.

F. R. of U. S. 1871, p. 254, 1890, pp. 695, 696.

There is some connection between residence in a country and the acquisition of the right of protection.

Therefore the alien is placed on probation for a term within which he may realize the importance of the further steps he may take to become a citizen.

ELEMENTS WHICH ENTER INTO THE SECOND CONDITION.

I. The application for citizenship must be to a legally recognized tribunal, with jurisdiction co-extensive with the requirements of the statute.

II. The declarations in the application must be on oath.

III. The alien must declare that he will support the Constitution of the United States.

IV. The alien must declare that he renounces and abjures absolutely and entirely all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject.

V. The declarations must be recorded by the clerk.

VI. The alien must prove to the satisfaction of the court that he has resided continuously in the United States five years at least next preceding the date of his application for citizenship.

VII. The alien must prove to the satisfaction of the court that he has resided within the State or Territory where such court is at the time held one year at least.

VIII. The alien must prove to the satisfaction of the court that he has behaved as a man of good moral character during the five years' residence in the United States.

IX. The alien must prove that he is attached to the principles of the United States.

X. The alien must prove that he is well disposed to the good order and happiness of the United States.

XI. The alien must renounce any hereditary title or any of the orders of nobility which he may have, and the renunciation shall be recorded in the court.

XII. He must take an oath of fealty to the United States.

Evans, American Citizenship, p. 16.

THE JURISDICTION OF THE TRIBUNAL MUST BE IN STRICT
CONFORMITY TO THE STATUTORY REQUIREMENTS.

I.

There appears no provision of law by which a defect in the jurisdiction as required by statute can be cured. A minister of the United States to a foreign country, although empowered to perform certain judicial functions, cannot naturalize aliens.

F. R. of U. S. 1898, p. 701.

II.

The declaration must be on oath. The same rules govern in this regard as govern in the matter of declarations of intent. The oath confers full rights of citizenship. No order of court is necessary to admit the alien to citizenship.

Campbell v. Gordon, 6 Cranch, 176.

III.

The alien must declare that he will support the Constitution of the United States. *In re Kanaka Nian*, 21

Pac. (Utah) 493, it was held that an applicant who could neither speak, read, or write English, and who was ready to promise to obey the laws of the United States, was not sufficiently attached to the principles of the United States, and well disposed to the good order and happiness of the same, to become a citizen.

IV.

The alien must declare that he renounces absolutely and entirely all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject.

The evident purpose of this element is that there shall be a complete severance of all ties to each and every foreign power, in order that the alien may understandingly conform to the institutions in which he seeks membership; and that there may be no equivocation, the declaration is made upon oath after he has passed through the probationary period which is intended to impress upon him the meaning and solemnity of his act.

V.

These declarations must be recorded by the clerk. This injunction on the clerk of the court as a recording officer is of serious importance, not alone to the court as a public record, but also to the alien, who, in the process of his naturalization, has made the declarations under oath, by which he defines his status to the Constitution, and severs his connection with all foreign powers. The record should be exact, and in compliance with the requirements of the statutes.

VI.

The alien must prove to the satisfaction of the court that he has resided continuously in the United States five years at least next preceding the date of his application for citizenship.

This element is known as the probationary period. Its duration must be proved to the satisfaction of the court in connection with a residence. The Naturalization Act does not define the meaning of the term, nor does it set forth that the residence shall be a legal one, as understood for certain defined purposes. In the practice no general definition is found. Special definitions are many, according to the connections which it has borne to various subjects. Its importance is unmistakable in its bearing on an alien's naturalization. It has a definition in its connection with service of process, wills, administrations, liens, divorce, paupers, domicile, taxation, and elections. These definitions are at variance in one State in the practice from another State in the practice, and again in the same State.

Residence may be defined to be one's usual place of abode. It is to be distinguished from domicile and inhabitancy.

Briggs v. Rochester, 16 Gray (Mass.), 340.

In re Wrigley, 8 Wend. (N. Y.) 134.

Drew v. Drew, 37 Me. 389.

It has been held to mean a permanent place rather than temporary. In *Reeder v. Holcomb*, 105 Mass., it has been held to mean personal presence in a place, and an attachment to it by overt acts.

In re Collins, 64 How. Pr. (N. Y.) 63, it is established by the union of act and intent in *Hanson v. Graham*, 82 Cal. 631.

See *Hall v. Hall*, 25 Wis. 607.

Foster v. Hall, 4 Humphrey (Tenn.), 346.

De Meli v. De Meli, 120 N. Y. 485.

Crawford v. Wilson, 4 Barb. 505.

Jefferson v. Washington, 19 Me. 300.

Mann v. Taylor, 78 Iowa, 363.

Damp v. Dane, 29 Wis. 419.

In re Walker, 1 Low, 237.

White v. Brown, 1 Wall. Jr. 217.

Doyle v. Clark, 1 Flippin, 536.

Butler v. Hopper, 1 Wash. 499.

Ex parte Blumer, 27 Texas, 734.

It is not essential that the alien maintain the same residence continuously. It is open to him to change from place to place in the United States.

Ex parte Walton, 1 Cranch, C. C. 186; same, 219.

There is an exception in case of employment on American vessels.

Rev. Stat. of U. S. Sec. 2174.

Ex parte Pasqualt, 1 Cranch, C. C. 243.

It has been held that brief absence from the United States, other than in American vessels, worked a rejection of the application in matter of residence.

Ex parte Paul, 7 Hill (N. Y.), 56.

Ex parte Hawley, 1 Daly (N. Y.), 531.

The Act of 1818, twelfth section, "without being at any time during the said five years out of the territory of the United States," was repealed June 26, 1848. In some of the treaties with foreign powers the words

"resided uninterruptedly" are used to mean, not a continued bodily presence, but in the legal sense; and therefore a transient absence — a journey, or the like — by no means interrupts the period of five years contemplated in the Act.

F. R. of U. S. 1871, p. 25.

A prison, reformatory, or place of correction is not erected with the view to the acquisition of citizenship by residence therein under sentence of a court, regardless of the charge on which the commitment was ordered.

People v. Cady, 37 N. E. Rep. 673.

An alien aged thirteen came to this country, remained until he was twenty-three, returned to his place of birth, there remained seven years. Held he could not be naturalized with the aid of these facts, although he declared his intention before his departure.

Ex parte Hawley, 1 Daly, 531.

The applicant cannot testify in his own behalf, nor can residence be established by affidavits. The proof must be in open court, and given by competent witnesses.

Anon. 7 Hill (N. Y.), 137.

Spratt v. Spratt, 4 Pet. 406.

An alien cannot vouch for an applicant on his petition for naturalization.

State v. Paper, 1 Brews (Penn.), 263.

U. S. v. Grootkan, 30 Fed. Rep. 672.

The court must be satisfied. The proof must be addressed to the sound discretion of the tribunal. The statute places the burden on the tribunal, then, and then

only, to find that this element is present, when it is satisfied of the correctness of the proof submitted on behalf of the applicant.

The place of residence must be in the United States. The fiction of extra-territoriality cannot be carried to the extent to hold that an alien employed in a legation of the United States in a foreign country is constructively in this country for purposes of naturalization.

F. R. of U. S. 1893, p. 701.

The historical changes by statute of the element of time of residence are as follows: In 1790 an Act was passed which permitted any alien, being a free white person, to become a citizen after two years' residence. This Act was repealed in 1795, and five years' residence required.

In 1798 the limit was fixed at fourteen years' residence in the United States, and five years in the State or Territory in which the application was made.

In 1802 these Acts were repealed, and the time of residence fixed at five years.

VII.

The alien must prove to the satisfaction of the court that he has resided within the State or Territory where such court is at the time held one year at least. The difficulty of exactness of proof in regard to the time and residence out of the State, when to be passed upon by a tribunal in a State, is greater than when simply confined to one year's time in the State. In every instance the court must be satisfied.

VIII.

The alien must prove to the satisfaction of the court that he has behaved as a man of good moral character during the five years' residence in the United States.

Certificate of a competent court that alien has taken prescribed oath raises presumption that court was satisfied as to moral character.

Campbell v. Gordon, 6 Cranch, 176.

The standard of good morals in a community is determined by the customs and the statutes which prevail. If during the term of five years the alien has committed any offence against any of the rules of conduct which govern the morals in any of the communities in which he has resided during the five years, the court must pass upon them, or be satisfied that none have been committed. Offences against good morals include indecency, obscenity, lascivious carriage, exposure of person, public drunkenness, gambling, and the like.

15 Am. & Eng. Encyc. of Law, 716.

Even if pardoned after the sentence for the transgression of a rule of good moral character, the commission of the wrong is not obliterated. The effect of the pardon is prospective, not retrospective.

In re Spencer, 5 Sawyer, 195.

The pardon restores the citizenship.

Ex parte Garland, 4 Wall. 380.

9 Op. Atty.-Genls. 356.

Nor is the rule restricted to the term of five years

within which the applicant is on probation. It extends over his entire presence in this country.

In re Spencer, 5 Sawyer, 196.

IX.

The alien must prove that he is attached to the principles of the United States.

The purpose of the period of probation is to place the applicant in the position to produce satisfactory proof to the court that he is attached to the principles of the United States. This attachment grows out of the renunciation of allegiance absolutely and entirely to every foreign sovereignty connected with a continuous residence in the United States under the institutions of the country for a period of time, within which time an alien of reasonably ordinary intelligence may perceive and learn his surroundings through daily intercourse with American citizens, moving with them in and under the principles on which the institutions are based. If upon strict examination the court finds the attachment to be present, then this element is proved. "Inability to speak the English language affords doubtful grounds of applicant's good faith."

F. R. of U. S. 1892, p. 191.

The element of good faith should be apparent in every act, and the idea is laid down in 9 Op. Atty.-Genls. 62, that an alien who emigrates to this country, brings his family and effects along with him, manifests a plain intention to remain here, takes up his permanent residence here, and assumes the obligations of a citizen, acts in good faith." All this would imply a dissolution of his previous relations to his country of origin.

X.

The alien must prove that he is well disposed to the good order and happiness of the United States.

This element is to be proved, not inferred. The evidence must go to the establishment of a well-defined disposition of loyalty to the principles and institutions of the government of this country, which cannot be where any loyalty of feeling is retained towards the sovereigns of Europe, whom the alien has left to come here and establish himself, and uphold the good order and happiness which is essential to the welfare of the people of the United States.

XI.

The alien must renounce any hereditary title, or any of the orders of nobility which he may have, and the renunciation shall be recorded in the court.

This is a special provision applicable to the classes mentioned, in order to bring all aliens seeking citizenship within the rule laid down in 9 Op. Atty.-Genls. 356, and in F. R. of U. S. 1886, p. 775.

XII.

The alien must take an oath of fealty to the United States.

In becoming a citizen of the United States, the law requires that an alien shall swear to support the Constitution and laws of this country.

F. R. of U. S. 1882, p. 346.

NATURALIZATION UNDER SECTION 2166.

When naturalization is acquired under this section, it should be made part of the record, and set out in the certificate as follows: "Naturalization under Section 2166."

The provisions of this Act include the army as well as the navy; those regularly enlisted and honorably discharged.

In re Stewart, 7 Robt. (N. Y.) 635.

It includes the marine corps.

In re Bailey, 2 Sawyer, 200.

The reasons for this exception to the general rule have practically expired, and in the practice applications are not common under its provisions.

The exercise of the right under this section was conditioned by Section 1996 in regard to desertion. Its application was to those convicted as deserters by a court of competent jurisdiction.

Gotcheus v. Mattheson, 61 N. Y. 420.

Same, 58 Barb. (N. Y.) 152.

Rev. Statutes, Section 1997.

Kircher v. Murray, 54 F. 617.

A person exceptionally naturalized by reason of his service as a soldier upon proof of one year's residence is not within the treaty with Germany unless he has resided within the United States five years; in other respects he is to be judged in the same manner as other naturalized citizens.

Whart. Int. Law Dig. vol. ii. p. 339, 340.

NATURALIZATION UNDER SECTION 2167.

When naturalization is acquired under this section it should be made a part of the record as follows:
"Naturalization under Section 2167.

There are elements under this section which must be rigidly considered. First, the age of the applicant, for which absolute proof should be required; and second, the intent which has in good faith existed for the two years preceding the application. These must be proved to the satisfaction of the court, in order that the date when the alien reached majority may be exactly determined.

The first condition, with all the elements which enter into it under Section 2165, would appear to be entirely omitted, and the declaration required has reference to the declarations required in the second condition of Section 2165.

State v. McDonald, 24 Minn. 48.

In re Brownlee, 9 Ark. 191.

Ex parte Smith, 18 Barb. (N. Y.) 444.

U. S. v. Walsh, 22 Fed. Rep. 644.

Ex parte Merry, 14 Pa. (Penn.) 212.

An alien minor residing in this country was sent by his parents to a foreign country to be educated. Before majority he returned and resided with his parents. It was held that absence abroad for purpose of education did not work a change of his residence here, and that the years spent abroad were to be computed as years of residence here in determining whether he was to be naturalized or not. *In re Rice*, 7 Daly, 22.

It is not necessary that two of the five years required by this section in the case of a minor alien should occur after the minor alien has reached the age of twenty-one.

Scutz Petition, 64 N. H. 241.

The time when this declaration of intention is to be made is held to mean simultaneous with the naturalization. It is intended to offer naturalization to all persons who, on arriving at age, have resided in the United States five years before that period, and even were the question doubtful, it is a familiar rule that the construction is to be adopted which is most favorable to the persons for whose benefit it is to be granted.

Whart. Int. Law Dig. vol. ii. p. 342.

In re McCoffin, 5 Sawyer, 630.

NATURALIZATION UNDER 2174.

When naturalization is acquired under this section, it should be made a part of the record, and set out in the certificate as follows: "Naturalization under Section 2174."

The provisions of this Act disturb what would otherwise be a system of uniformity of naturalization in this regard, that the rules do not permit an interruption of a continuous residence, which Congress intended should govern as an essential element in the acquisition of citizenship. This Act should be considered as an intention to rigidly enforce all other Acts in their relation to the question of a continuous residence in the United States.

In case of a marriage, the residence of the seaman is not aboard ship, but where his family resides; if not married, then there where he had his residence when he first went to sea as a mariner.

In re Scott, 1 Daly, 534, and *In re Bye*, 2 Daly, 525, it was held that this Act does not include the United States naval service, but is confined to the merchant marine.

In re Gormly, 14 Phila. (Penn.) 224.

NATURALIZATION OF WOMEN.

A *feme covert* may be naturalized without the consent of her husband.

Priest v. Cummings, 16 Wend. 617.

The naturalization laws include females as well as males.

Brown v. Shilling, 9 Md. 82.

It is apparent from the commencement of legislation on naturalization that alien women could be naturalized under our laws as well as alien men.

Minor v. Happersett, 21 Wall, 175.

NATURALIZATION GRANTED CONDITIONALLY.

It would seem, if the rule is correct, that there is no distinction between citizens of the United States; that to it there is an exception under the naturalization treaties, by which a discrimination is made against aliens from countries with which these treaties are made. The rule is that a citizen of the United States, who has legally departed his country of origin, and is there under no unfulfilled obligations, and has been

here legally naturalized, is fully such to all intents and purposes the world over; yet upon return to the country of origin, and after two years' uninterrupted residence, the inference may be made that he has renounced his citizenship in the United States, without the privilege to offer evidence in rebuttal, which is given by treaty with Ecuador only, and not with Baden, Bavaria, Hesse, North German Union, and Würtemberg.

Again, with countries with which the United States has no treaties of naturalization, it becomes impossible to define the status of the former alien upon return to country of origin.

F. R. of U. S. 1893, p. 501.

Nor can the naturalization in the United States be insisted upon against the claims of the country of origin, upon the return of a former subject to that country.

F. R. of U. S. 1893, p. 699.

EFFECT OF NATURALIZATION OF AN ALIEN ON THE WIFE

Under Sec. 1994 Rev. Stat. of United States.

The rule laid down under Section 1994, Rev. Stat., is taken in principle from 7 and 8 Vict. c. 66, Section 16, which was passed in England in 1844, when the question was before Congress. In 1854 it was argued that there was no good reason why a woman should be put into the probationary term required by the naturalization laws, nor to the inconvenience of attending at the necessary courts or places for the purpose of declaring her intentions and renouncing her

allegiance, nor again put the husband to the expense of the proceeding.

Cong. Globe, Thirty-third Congress, p. 180.

In consequence, it has been held that the act of naturalization of the husband carries with it the naturalization of the wife.

In *Kelly v. Owen*, 7 Wall. 496, it was held that "the terms 'married' or 'who shall be married' do not refer to the time when the ceremony of marriage is celebrated, but to a state of marriage. They mean that whenever a woman, who, under previous Acts, might be naturalized, is in a state of marriage to a citizen, whether his citizenship existed at the passage of the Act or subsequently, or before or after the marriage, she becomes by that fact a citizen also. His citizenship, whenever it exists, confers under the Act citizenship upon her." The question was again discussed with the same result in *U. S. v. Kellar*, 11 Biss. 814.

People v. Newell, 38 Hun, 78.

Gumm v. Hubbard, 97 Mo. 321.

Kreitz v. Behrensmeyer, 125 Ill. pp. 111, 141.

14 Op. Atty.-Genls. 402.

The words "shall be deemed a citizen," as used in Section 1994, are changed from the words "shall be deemed and taken to be a citizen," as used in the Act of 1855. The word "deemed" is the equivalent of "considered" or "judged," and therefore whatever an Act of Congress requires to be "deemed" or "taken," as true of any person or thing, must in law be considered as having been duly adjudged or established concerning such person or thing, and have force and effect accordingly. The effect is equivalent to being

naturalized directly by an Act of Congress, or in the usual mode thereby prescribed.

Leonard v. Grant, 6 Sawyer (U. S.), 603.

9 Op. Atty.-Genls. 359.

In re Michaelion, F. R. of U. S. 1893, pp. 398, 599, where an alien became naturalized, and desired a passport for his wife, that she might come to this country, the discussion proceeds upon the theory that Section 1994 is silent as to the naturalization of an alien wife by the husband's act in becoming naturalized. That in *Kelly v. Owens*, the women whose rights were under consideration were in this country at the time of their respective marriages; that the rule laid down in 14 Op. Atty.-Genls. 402, citing *Burton v. Burton*, 26 How. Prac. Rpts. 474, and *Kane v. McCarthy*, 68 N. C. Rpts. 299, go to the extent of holding that irrespective of the time or place of marriage or residence of the parties, any free white woman not an alien enemy, married to a citizen of this country, is to be taken and deemed a citizen of the United States; and although not questioning the doctrine, yet in view of the obstacles to claiming for the laws, judicial decisions, and executive opinions of the United States effective validity beyond the jurisdiction of the United States, this government should prudently refrain from asserting its application to the case of an alien wife continuing within her original allegiance at the time of her husband's naturalization in the United States, inasmuch as the citizenship of the wife might not be effectively asserted, as against any converse claim of the sovereignty within which she has remained. The result would naturally be a conflict of private international

law, wherein the State within whose actual jurisdiction the wife remains might be found to have the practical advantage of the argument.

The naturalization of the husband who dies leaving a widow who never resided in the United States, confers citizenship upon her.

Kane v. McCarthy, 63 N. C. 299.

Burton v. Burton, 88 N. Y. (1 Keyes), 359.

The wife becomes a citizen, although she may live away from her husband, and never come to the United States until he is dead.

Headman v. Rose, 63 Ga. 458.

When married abroad to a citizen of this country, she becomes a citizen, although she never comes to this country, and continues to reside abroad.

Halsey v. Beer, 52 Hun, 334.

All that is necessary is a valid marriage to confer citizenship on the wife; there is nothing to exclude her, — neither her alienage at time of marriage, nor the alienage of her husband if he subsequently became naturalized, nor her want of five years' continuous residence, nor the fact of her being under twenty-one years of age.

Renner v. Muller, 57 How. Prac. (N. Y.) 229.

She becomes a citizen after his preliminary declaration, and before admission to citizenship in case of his death.

Rev. Stat. of U. S. Sec. 2168.

Shrimp v. Settegast, 38 Texas, 96.

The citizenship of the husband determines that of the wife.

Ware v. Wisner, 4 McCrary, 66.

Luhrs v. Eimer, 16 Fed. Rep. 215.

The primary element is that the wife be capable of naturalization as a citizen of the United States.

F. R. of U. S. 1890, p. 302.

Citizenship acquired under Section 1994 is not lost by the woman's survival of her husband; but it was the intention of Congress to bestow upon her a permanent status of citizenship, defeasible only as in the case of other persons.

15 Op. Atty.-Genls. p. 600.

Penna v. Ravenal, 21 How. 103.

Barber v. Howard, 21 How. 582.

14 Op. Atty.-Genls. 402.

EFFECT OF SECTION 1994 ON AMERICAN FEMALE CITIZENS MARRYING ALIENS.

The following rules are recognized in the practice: A woman partakes of her husband's nationality; her nationality is merged in that of her husband; her political status follows that of her husband. Section 1994 is a municipal rule, and has been held to apply only to alien women marrying citizens of the United States. Where a native female citizen marries an alien, who, prior to marriage, comes to this country, enters into business with no intent to return to country of origin, and who never becomes naturalized, it was held that Section 1994 was not applicable to cases of this nature; that the section did not mean that a female citizen of this country marrying an alien in this country became an alien with intent that she should lose her American citizenship.

Countis v. Parkerson (C. C.), 56 Fed. 556.

Yet where a woman was born, married a French citizen, and always resided before and after the death of her husband in France, it was held that she was a French subject, though her father at the time of her birth was a citizen of the United States.

12 Op. Atty.-Genls. 7.

13 Op. Atty.-Genls. 128.

An American, after arriving at womanhood, went to England, there married an Englishman, from whom she procured a divorce, claimed citizenship in this country; it was held that it is not intended to be inferred that when a woman, a citizen of the United States, marries an alien who resides out of the jurisdiction of the United States, she absolutely ceases to be a citizen thereof, and becomes subject to all the disabilities of alienage.

F. R. of U. S. 1874, pp. 408, 413.

EFFECT OF NATURALIZATION OF AN ALIEN ON HIS MINOR CHILDREN.

Section 2172 of the Rev. Stat. under which the naturalization of the father and mother operates, both being intended in the use of the word "persons," has particular reference to this subject. The rights and privileges descend to the minor children under this section conditionally, "if dwelling in the United States" at the time of the naturalization of the parents. This condition was imposed to meet conflicting claims of allegiance. In the original Act of Naturalization, passed in 1790, the words "dwelling within the United States" are used. Again, in the Acts of 1795, and in 1802, in the fourth section, the words, "if dwelling in

the United States," are used, which in Section 2172 are transposed in their connection.

In *Campbell v. Gordon*, 6 Cranch, 176, the court says, "Whatever difficulty might exist as to the construction of the third section of the Act of 1795 in relation to this point, it is conceived that the rights of citizenship were clearly conferred by the fourth section of the Acts of 1802." Upon these facts the father emigrated to the United States; in 1795 was naturalized; his daughter was living in Scotland as a minor, and came to this country two years after the naturalization. From which it would seem that the effect of the law is to make actual residence in the United States, and not residence at the time of the naturalization the test to the claims of citizenship.

F. R. of U. S. 1890, p. 303.

Naturalization in the United States of the parent does not confer citizenship on his minor children born abroad before that event, and continuing to reside and attain their majority abroad.

F. R. of U. S. 1892, p. 233.

One born in a foreign country is a citizen, if at the time of his birth his father was a citizen of the United States.

Oldtown v. Bangor, 58 Me. 353.

Minor v. Happersett, 21 Wall. U. S. 162.

Elk v. Wilkins, 112 U. S. 94.

State v. Clarborn, 1 Meigs (Tenn.), 331.

Carl Heisinger, born of an alien in the United States, six months before the naturalization of his father; under Section 2168 he was held to be a citizen, and entitled to protection of the United States.

F. R. of U. S. 1890, p. 304.

Birth in this country subsequent to the naturalization of the parent confers citizenship by exclusive right, and it is held in such cases that the removal of the parent with the minor child to the country of the parent's origin does not affect the rights of the child to citizenship in this country, even should the parent resume his original status during the child's minority. But in case of birth of a child in this country prior to the parent's naturalization, there may be a question should the parent resume his original allegiance, taking the minor child with him.

F. R. of U. S. 1891, p. 516.

In re Mazel, whose mother being an American citizen, married an alien diplomat accredited to this country, it was held that by the marriage she became an alien, and the son born of the union in this country became an alien, and must be naturalized to acquire citizenship in the United States.

Rev. Stat. of U. S. Sec. 1992.

F. R. of U. S. 1891, p. 21.

McKay v. Campbell, 2 Sawyer (U. S.), 118.

The question is discussed in *State v. Adams*, 45 Iowa, 99.

Ludlam v. Ludlam, 31 Barb. (N. Y.) 486.

People v. Newhall, 38 Hun, 78.

Gumm v. Hubbard, 97 Mo. 321.

Davis v. Hall, 1 Mott & M. (S. C.) 292.

O'Connor v. State, 9 Fla. 215.

State v. Penny, 10 Ark. 621.

In re Morrison, 22 How. (N. Y.) Prac. 99.

West v. West, 8 Paige (N. Y.), Ch. 433.

Campbell v. Gordon, 6 Cranch, 176.

Brown v. Shilling, 9 Md. 74.
Campbell v. Wallace, 12 N. H. 362.
State v. Adrians, 92 Mo. 70.
U. S. v. Hirschfield, 13 Blatch. 330.
Lasportas v. De la Motte, 10 Rich. (S. C.) Eq. 38.
State v. Minna, 26 Minn. 183.
State v. Boyd, 31 Neb. 683.
15 Op. Atty.-Genls. 114.

Where a child of a former citizen is born out of this country, after the father has renounced his allegiance to the United States, the child is not a citizen.

Brown v. Dexter, 66 Cal. 39.
In re Look Tin Sing, 10 Sawyer (U. S.), 353.
See Scutz, Pet'r, 64 N. H. 241.

EFFECT ON A STEPSON WHERE HIS MOTHER MARRIES A CITIZEN OF THE UNITED STATES.

A widow and son of an alien deceased emigrated to the United States, both of foreign birth. While here resident, and during the minority of her son, she married for a second husband a citizen of the United States. Upon question of the citizenship of the son by the first husband, it was held that by the marriage of the mother both she and her minor son acquired citizenship in this country.

Gumm v. Hubbard, 97 Mo. 311.

EFFECT OF NATURALIZATION ON A BASTARD CHILD OF THE ALIEN.

In case of an illegitimate child, the question of the child's citizenship arose upon the naturalization in

this country of his reputed father. It was held, as the child was a member of his reputed father's family when his father was naturalized and he an infant, that by virtue of the act the child became naturalized, and that the question of his legitimacy would not be inquired into in a proceeding to contest an election.

Dale v. Irwin, 78 Ill. 170.

Yet it was held that the Act of 1802 does not apply to illegitimate children.

Guyer v. Smith, 22 Md. 239.

As a general rule the legitimate children partake of their father's nationality. Were the question whether or not an illegitimate child of an American citizen by a Chinese woman would be an American citizen, the conclusion might be different.

F. R. of U. S. 1885, p. 172.

THE PROCEEDINGS OF THE COURT JUDICIAL NOT MINISTERIAL.

The powers conferred on the courts in admitting aliens by naturalization to citizenship are purely judicial, and not ministerial or clerical, and must be exercised by the court. An examination must be made in each case to satisfy the court of the following facts:—

(1) Five years' continuous residence of the applicant within the United States, and one year of like residence within the State or Territory where the court to which the application is made is held. (2) That the applicant is a person of good moral character. 3. That he is in principle attached to and well disposed towards the Constitution of the United States.

In re Clarke, 18 Barb. (N. Y.) 444.

The admission of an alien to citizenship by a court of competent jurisdiction is a judgment of the court.

Scott v. Strohecker, 49 Ala. 477.

The judgment is conclusive on its own validity, and closes the door to all inquiry as to whether the requisites of the law have been complied with, for that will be presumed.

State v. Penny, 10 Ark. 621.

The minutes and proceedings of the court in which the alien is naturalized are the proper places to look for its judgment in an *ex parte* proceeding before it.

Headman v. Rose, 63 Ga. 462.

Naturalization is purely and simply a judicial act.

Caulfield v. Bullock, 18 B. Mon. 714.

The record of a competent court on naturalization is conclusive, and cannot be contradicted by evidence outside the record.

McCarthy v. Marsh, 5. N. Y. 263.

Ritchie v. Putnam, 13 Wend. 524.

Banks v. Walker, 3 Barb. Ch. 438.

People v. McGowan, 77 Ill. 644.

The court receives the evidence and applies the law to the facts. The judgment implies that all conditions have been fulfilled, and is final, except in cases of fraud.

Campbell v. Gordon, 6 Cranch, 176.

Stark v. Chesapeake Ins. Co., 7 Cranch, 420.

Spratt v. Spratt, 4 Peters, 407.

People v. McGowan, 77 Ill. 644.

Retahie v. Putnam, 13 Wend. (N. Y.) 524.

Rump v. Commonwealth, 30 Pa. St. 475.

McDaniel v. Richard, 1 McCord (S. C.), Ch. 187.

In re Knowles, 5 Cal. 300.

The Acorn, 2 Abbott's U. S. 434.

The record must conform to the truth as to the facts presented, and on which the conclusion is reached. It must show the facts clearly and concisely, in order that in case of investigation for purpose of cancellation of decree made thereon, or for any other purpose, the facts shall be patent. For this reason, courts may amend their records *nunc pro tunc*, in order that absolute truth may govern.

Brown v. McDonald, 1 N. W. Rep. 133.

In re Christern, 43 N. Y. Sup. Court, 523.

Naturalization of aliens is a matter of judicial, not executive, cognizance. The statutes and rules must be carefully observed and strictly complied with.

F. R. of U. S. 1877, p. 210.

Naturalization being a judicial act, the executive branch is without competence to annul a decree of naturalization.

F. R. of U. S. 1893, p. 501.

In the case of Rudolf Carl Levy, born in Germany, Feb. 22, 1853, and on July 10, 1873, admitted to citizenship by the Court of Hustings of the city of Stanton, Virginia, there being no question as to the jurisdiction of the court, it was held, "The record shows that, this court having found upon evidence in Levy's case the facts and conditions required by Section 2167 of Revised Statutes, adjudged that he be admitted to citizenship in the United States of America. This was a judicial

act by a court of competent jurisdiction upon such hearing and finding of facts as the law prescribes. It has the force and effect of a judgment. I find no law by which an appeal can be taken from it, and certainly I know of no authority or provision of law which will warrant the executive power of the government in evading it or treating it as a nullity. The decision of the Hustings Court is in my opinion final and conclusive, and in accordance therewith Levy must be recognized by the United States government as an American citizen."

Citing 6 Cranch, 176, and 4 Peters, 408.

14 Op. Atty.-Genls. of U. S. 510.

EVIDENCE OF NATURALIZATION.

The Statutes, Section 2165, require that a record should be made. It is not necessary that the record of naturalization should show that all the legal prerequisites have been complied with, the judgment being conclusive of such compliance.

Harley v. State, 40 Ala. 694.

Starkie v. Chesapeake Ins. Co., 7 Cranch, 420.

Ritchie v. Putnam, 13 Wend. 534.

Spratt v. Spratt, 4 Peters, 524.

The certificate should show on its face sufficient to make it definite what the court has done.

Chas. Greene, Sons v. Salas, 31 Fed. Rep. 106.

A statement in the certificate, "having in all things complied with the law in such cases," is not evidence that the alien was naturalized.

Miller v. Reinhardt, 18 Ga. 239.

Where a certificate failed to disclose that the applicant "had behaved as a man of good moral character," it was held to be good for the reason that this fact must have been proved to the satisfaction of the court.

Campbell v. Gordon, 6 Cranch (U. S.), 176.

In re Towle, 5 Leigh (Va.), 743.

People v. Pease, 30 Barb. (N. Y.) 588.

McCarthy v. Marsh, 5 N. Y. 263.

Banks v. Walker, 3 Barb. (N. Y.) Ch. 438.

State v. McDonald, 24 Minn. 59.

Correctness should control the form of the certificate, that it may be complete in the recital of facts based on the record entered in the court by the order of the presiding judge. It should be uniform, intelligible, and as little subject to question as possible. The following certificate was held to be loose in construction, and suspicious: "The applicant having produced to the court such proof, and having made such declaration and renunciation, and having taken such oaths as are by the said acts required, it was ordered that he be admitted to become a citizen of the United States of America, and he was thereupon admitted to become a citizen."

F. R. of U. S. 1877, pp. 254, 255.

It is enjoined on citizens, if they desire the protection of this government abroad, to produce satisfactory evidence of their status as citizens. In the practice many errors of fact in naturalization are detected.

F. R. of U. S. 1877, p. 1134.

In a contested election case, *Lowry v. White*, 50 Cong. H. R. 163, where it appeared that the court kept

no record of parties naturalized before it, parol evidence was admitted to prove the fact of no record in the court.

Wigginton v. Pacheco, 5 Cong. Elect. Cases, 16.

Nan Wyck v. Greene, 3 Cong. Elect. Cases, 631.

To prove citizenship record need not show that all prerequisites have been complied with.

Starkie v. Chesapeake Ins. Co., 7 Cranch, 420.

St. Paul R. R. Co. v. Burton, 111. U. S. 788.

Parol evidence cannot establish the fact of naturalization.

Dryden v. Swinburne, 20 W. Va. 89.

People v. McNally, 59 How. Prac. (N. Y.), 500.

In re Coleman, 15 Blatchf. U. S. 406.

Slade v. Minor, 2 Cranch (U. S.), 139.

The original status is presumed to control until proof of naturalization is established.

Hanenstein v. Synham, 100 U. S. 483.

There is no supposition in matters of naturalization that a thing has been done which does not appear of record.

Mattor v. Desley, 8 Abb. N. Cas. N. Y. 250.

The naturalization must be proved same as any other judicial record; it cannot be established by parol evidence.

Ex parte Knowles, 5 Cal. 300.

Bump v. Commonwealth, 30 Pa. St. 475.

In re Clarke, 19 Barb. 444.

Morgan v. Dudley, 18 B. Mon. 693.

Dryden v. Swinburne, 20 W. Va. 89.

State v. Boyd, 31 Neb. 710.

When the record of the court has been destroyed, the naturalization may be proved by secondary evidence.

Kreitz v. Behrenmeyer, 125 Ill. 141.

Where the certificate of naturalization was lost, parol testimony was admitted to prove the fact of naturalization.

Lowry v. White, 50 Cong. H. R. 163.

JUDGMENT CANNOT BE IMPEACHED IN A COLLATERAL
PROCEEDING.

Certificate of naturalization granted by a court having jurisdiction under the Act of Congress stands on the footing of a judgment of a court of competent jurisdiction, and cannot be collaterally impeached, unless the want of jurisdiction is apparent on its face.

Scott v. Stroback, 49 Ala. 477.

The record cannot be impeached in a collateral proceeding by parol proof that preliminary steps were not taken.

People v. McGowan, 77 Ill. 644.

In collateral proceedings technical rules should not be applied when determining whether or not the disability arising from alienage has been removed by proceedings under the naturalization laws.

State v. Barrett, 40 Minn. 65.

It is *prima facie* evidence of the facts which it recites; it is not, however, conclusive.

Whart. Int. Law Dig. vol. ii. p. 348.

It is conclusive, when attacked collaterally, of the citizenship of the person named therein.

Ackerman v. Haenck, 147 Ill. 514.

Even when the holder of the certificate of naturalization admitted that it was obtained by perjury in a hearing on a contested election case, it was held that the admission could not be entertained in such a proceeding.

Wiggin v. Pacheco, 5 Cong. El. Cases, 16.

People v. Pease, 30 Barb. (N. Y.) 588.

Banks v. Walker, 3 Barb. Ch. (N. Y.) 438.

THE RECORD OF NATURALIZATION MAY BE IMPEACHED
FOR FRAUD.

The record of naturalization imparts verity, and may be impeached for fraud only where fraud is specially pleaded.

People v. McGowan, 77 Ill. 644.

The presumption is that the court heard the evidence, and was satisfied that applicant had complied with the law (*ibid.*). When the certificate is irregularly obtained, it will be set aside.

Richard v. McDaniel, 2 N. & McCord (S. C.), 190.

Fraudulent or defective naturalization cannot be made the basis of diplomatic interposition, nor can the certificate be impeached for fraud before an international commission, nor can the decree on which it was granted be vacated by the Secretary of State when issued by a competent court of the United States, nor will the certificate, when fraudulent on its face, be made the basis for a claim on a foreign government.

Whart. Int. Law Dig. vol. ii. pp. 355, 356, 357.

DEFECTS ON THE FACE OF THE CERTIFICATE OF
NATURALIZATION.

When the name in a certificate of naturalization is defective as to middle name, the holder may prove by his own oath that it was issued to him as the person naturalized.

Beardstown v. Virginia, 81 Ill. 541.

A misnomer may be cured by parol evidence before the same court.

Behrensmeyer v. Kreitz, 125 Ill. 741.

Where the alien appears to have been improperly naturalized, he should surrender his certificate and apply again to the same or another court.

State v. Paper, 1 Brews. (Penn.) 263.

CANCELLATION OF A CERTIFICATE OF NATURALIZATION.

A petition for cancellation of a certificate of naturalization, for reason of fraud or defects on its face, must be by some official representing the government, and not by a private individual, because the wrong is held to have been done to the government, and can be brought in a Federal court to cancel a decree issued by a State court where decree was made.

U. S. v. Norsch, 42 Fed. 417.

In re Shaw, 2 Pa. Dist. Rpts. 250.

In re Dean, 83 Me. 489.

State v. Paper, 1 Brews. (Penn.) 263.

It will be treated as a nullity, when, upon application to the clerk of the court, it appears to have been granted erroneously.

Whart. Int. Dig. vol. ii. p. 348.

Under no circumstances can the United States submit a certificate of naturalization to a tribunal of another country, in order to ascertain whether a former citizen of that country has lawfully become a citizen of the United States.

F. R. of U. S. 1883, p. 5.

JUDGMENTS OF COURTS IN MATTERS OF NATURALIZATION
OF ALIENS ARE REVERSED IN THE PRACTICE.

It will be observed that the alien, when seeking citizenship in the United States, is assisted by every presumption in his favor. Further, that the laws of the country of the alien are not considered by our courts in the matter of naturalization, nor is the consent of the sovereign in this regard an element on which the proceedings are in any wise dependent. Yet, in the international practice, two sovereignties are concerned in naturalization of an alien. When, therefore, the respective sovereignties concerned come into consideration of the status of a former alien, the elements, which cannot be controlled by our courts beyond the evidence produced, are of necessity brought forward, and the tests applied. Their application, as shown in the following cases in the practice, will demonstrate the aid which is thereby given, and which has been readily received and strictly enforced.

Mr. Secretary Fish to Mr. Moran in February, 1877, expressed the opinion, "While the decisions concerning the binding forces of a record of naturalization make it difficult to go behind the record, at the same time, whenever the government is called upon for its inter-

position in a foreign State on behalf of any person claiming to be a naturalized citizen, the question whether, under all the facts presented by him, intervention should be accorded, is always open for consideration."

F. R. of U. S. 1887, p. 1069.

In the case of Harry Rice, arrested by the Austrian authorities for evasion of military duty on Feb. 20, 1885, the American minister requested his release on the ground that he was a citizen of the United States. On Dec. 19, 1884, Rice received from the court of Cook County, in the State of Illinois, a certificate showing that after five years' residence within the limits of the United States, and after reaching his twenty-first year of age, he had received the right to citizenship in the United States. The Austrian authorities contested the facts in the certificate, and exhibited a certificate of birth in Austria on Jan. 17, 1864, together with an affidavit of a merchant to the effect that Rice was apprenticed to him in 1878 for a term of three years, and that three weeks before the termination of apprenticeship Rice departed for the United States in 1881, and exhibited further that he departed the empire without the permission of the authorities. When called for military service he failed to respond, and he was inscribed on the list as absent without leave.

The Austrian case was presented to the Department of State at Washington. It was held, "The conclusion is that the naturalization of Rice was on his own showing obtained on such material fraudulent allegations as to preclude him from taking advantage of it."

F. R. of U. S. 1885, p. 27.

In the cases of Jacob and Herman Kastellan, it appeared that Jacob and Herman respectively received certificates of naturalization, in the usual form, from a court of competent jurisdiction, admitting them to citizenship in the United States, bearing dates January 12 and February 13, 1871. The same year they returned to their country of origin, Posen in Germany. Upon inquiry it was found that Jacob received a certificate of discharge, from the German authorities, Feb. 20, 1866, and Herman on May 6, 1867. Thereupon followed an inquiry on the contradiction in the recital on the certificate of discharge, together with the dates of departure from Germany, which in Jacob's case was May, 1866, and in Herman's case was during 1867, and the recitals as to five years' residence set out in the certificate of naturalization.

The Department of State held, "By the decree, therefore, of a competent court, after a hearing on sworn testimony, and with the parties before the court, it has been adjudged that these applicants for citizenship had complied with the law as to residence, and otherwise, and that they were legally admitted to citizenship."

If the political department of the government may from time to time pass upon such questions according to the apparent credibility of the particular evidence offered to impeach the decree or the varying statement of an interested party, no uniformity of decision or security for acquired rights could exist. The certificates cannot be questioned in such *ex parte* proceedings, but can be through judicial proceedings instituted for that purpose.

F. R. of U. S. 1875, pp. 578, 579.

In the case of Charles S. Rosenthal, fined for non-performance of military duty on Nov. 16, 1869, he was naturalized in the United States District Court for the District of Massachusetts; he asserted his claim as a citizen of the United States. The German authorities on his return investigated his claim, and produced the following facts: That he was born in Prussia, March 13, 1847, and emigrated to the United States in July, 1865, and in consequence found that he had not fulfilled the requirements of the laws of the United States, and refused to entertain his claim of American citizenship.

F. R. of U. S. 1875, p. 572.

In the case of Charles Levinson, emigrated from Germany, and was naturalized in the United States by a court of competent jurisdiction, from which he obtained a certificate, setting forth among other things that he had resided in the United States for a period of five years, he applied to the United States Legation at Berlin for a passport, presenting one from the department at Washington, with his certificate of naturalization. Upon inquiry made by the legation, it appeared that he was naturalized in May, 1875, and that he emigrated from Germany in June, 1870. In consequence it was determined to retain his papers, and refuse to him the passport for which he applied, because he had not complied with the requirement of five years' residence in the United States.

F. R. of U. S. 1877, p. 250.

In the case of Walde Talamonzke, emigrated from Germany, and was naturalized in the United States

by a court of competent jurisdiction, from which he obtained a certificate of naturalization of date Oct. 9, 1868. He applied in person to the United States Legation in Berlin for a passport. In filling his application for a passport, it appeared that he had not resided in the United States for a term of five years. On being further questioned he admitted the fact. His papers were detained and passport refused.

F. R. of U. S. 1877, p. 25.

Henry Edward Kern applied for protection abroad on the following: He emigrated from Switzerland; arrived in New York, May 21, 1873; received his certificate of naturalization, Oct. 23, 1877; then returned to Switzerland. On investigation as to period of time under the requirement of the statutes, the right of protection was denied him, he not having resided in the United States for five years.

F. R. of U. S. 1887, p. 1072.

Sigismund Jacoby, born in Germany in 1844, emigrated to the United States in 1862, and after a residence of four years, was naturalized in the Court of Common Pleas of New York, Oct. 11, 1866. He asked for protection, which was refused. On investigation he confirmed the facts, and made no further claim to protection. His argument was that he supposed, and had the right to suppose, that the court knew what the law was.

F. R. of U. S. 1883, p. 196.

Aurelis F. Pinson, born in Columbia, sought protection from the authorities of the United States, that he might be exempt from duties of Columbian citizenship.

He based his claim on a four years' residence in the United States, and a certificate of naturalization. Upon investigation he admitted that he had never made any declaration to become a citizen; had not resided in the United States five years; he had never proven nor been required to prove that he had resided in the United States five years by the testimony of two of its citizens, nor had he any intention of returning to the United States; that he purchased the certificate of the clerk of the court; that he was never before the judge of the court for any purpose.

F. R. of U. S. 1885, pp. 199, 200.

In re Moses Stern, though regularly naturalized in the United States, not having had an uninterrupted residence of five years here, he was held not entitled to the immunities guaranteed by the treaty with North German Union of 1868.

13 Op. Atty.-Genls. 378.

PRESUMPTIONS FOR AND AGAINST RESIDENTS.

The law presumes all residents to be citizens until the contrary appears.

State v. Beakins, 6 Blf. Ind. 246.

Parties are presumed to be citizens living in the State until proof to the contrary is shown.

Calderwood v. Braley, 28 Cal. 99.

Persons shown to be foreign born must be held to be aliens until naturalization is shown.

Billings v. Billings, 65 Cal. 593.

A foreign-born person, whose father was a citizen, but was expatriated before his birth, is not a citizen.

Lyons v. Cunningham, 66 Cal. 89.

All persons who are foreigners by birth are *prima facie* aliens.

White v. White, 2 Met. (Ken.) 190.

When all that is known of a person's citizenship is that his residence and home had been in a foreign country, the mere statement of a stranger, presumably made in good faith, that he was a citizen of the United States, is not sufficient to establish his citizenship in this country, against the presumptions which would arise from his home being in another country.

State v. Salge, 1 Nev. 455.

Presumption, where one's father has been a resident of this country, married here and had children born here, is that he is a citizen, although born subsequently to removal of father to foreign country, there being nothing else to prove the father an alien.

Campbell v. Wallace, 12 N. H. 362.

The relation imposed by birth is presumed to continue until change by naturalization is proved.

Minor v. Happersett, 21 Wall. 167.

Citizenship may be held after continued lapse of time from facts and circumstances which establish a presumption that one has been naturalized.

Nalle v. Fenwick, 4 Rand. (Va.) 585.

The presumption in such cases governs until the contrary is proven.

Shelton v. Tilton, 6 How. 193.

Where no record can be produced of an alien's naturalization, evidence that a person having the requisite qualifications to become a citizen did in fact for a long time vote and hold office, and exercise rights

belonging to citizens, is sufficient to warrant a jury in inferring that he had been duly naturalized as a citizen.

Hogan v. Kurtz, 94 U. S. 778.

Blight v. Rochester, 7 Wheaton, 546.

See Boyd v. Nebraska, 143 U. S. 184, 185.

Yet *In re* John Hay, born in Michigan, of parents British subjects, it was held that he was a subject of England, and had not lost his rights as a British subject by residence in the United States, exercising the right of suffrage, and holding office in the States.

Hay v. Hunt, 11 Q. B. (Canada) 367.

In regard to State citizenship.

In re Wehlitz, 16 Wis. 443.

In re Desbois, 2 Mart. 185.

Florien Giaque on Election Laws of U. S. pp. 49-59.

Evans, American Citizenship, pp. 3-45.

Webster, Law of Citizenship, pp. 133, 135, 138, 149, 150, 170, 171, 232, 234.

PRESUMPTION IN FAVOR OF THE CERTIFICATE OF NATURALIZATION.

When the question of the validity of a certificate of naturalization is raised, the presumptions are in favor of the rights and privileges of the citizen.

Whart. Int. Law Dig. vol. ii. p. 353.

SUFFRAGE NOT A TEST OF CITIZENSHIP.

The right of suffrage is not a test of citizenship.

Laurent v. State, 1 Kans. 315.

The Constitution of the United States, on which the national laws are based, gives no guarantees to a citizen of the right of suffrage. It is not incident to a national exercise of the right of citizenship.

Minor v. Happersett, 21 Wall. 162.

The right to exercise suffrage arises under the constitution of a State, and not under the Constitution of the United States.

U. S. v. Anthony, 11 Blatch. 200.

U. S. v. Rhodes, 1 Abb. U. S. 28, 40.

See Florien Giauque on Election and Naturalization Laws of U. S. pp. 49-59.

Evans on American Citizenship, pp. 54-60.

Morse on Citizenship, pp. 25, 26.

Webster on the Law of Citizenship, pp. 47, 48.

If the right of suffrage is one of the necessary privileges of a citizen of the United States, then the constitution and laws of any State conferring it on men and excluding women, are in violation of the Constitution of the United States, and consequently void.

Minor v. Happersett, 21 Wall. 174.

The Constitution of the United States does not confer the right of suffrage upon any one.

Dred Scott v. Sanford, 19 How. 373.

Cooley, Const. Limit. 599.

Ordranax, Const. Legis. p. 43.

WHEN ALIEN BECOMES A CITIZEN.

The date of the certificate is based on the order of the court admitting the alien to citizenship.

State v. Boyd, 31 Neb. 683.

The naturalization of an alien is prospective in its effect, not retrospective.

Henry v. Brooklyn Benev. Soc. 39 N. Y.

Priest v. Cummings, 20 Wend. 342.

Dryden v. Swinburne, 20 W. Va. 134.

And when he obtains his final papers he becomes a citizen.

Darragh v. Bird, 3 Or. 229.

An alien becomes a citizen upon taking the final oath.

Orosco v. Gagliardo, 22 Cal. 83.

Citizenship is conferred when the certificate is granted, which should be when the decree of the court is made admitting the alien.

Morgan v. Dudley, 18 B. Mon. 693.

Wood v. Fitzgerald, 3 Or. 568.

Anon. 1 Brews. (Penn.) 158.

It has been held that the naturalization had retrospective operation for the purpose of confirming title to land purchased during alienage. *Sutliff v. Forgey*, 1 Con. (N. Y.) 89, but not to confirm a title to land acquired by descent.

Vaux v. Nesbitt, 1 McCord (S. C.), 370.

Heney v. Brooklyn Ben. Soc. 39 N. Y. 333.

Governor's Heirs v. Robertson, 11 Wheat. 332.

Prior to 1869, one Kevorkian, a Turkish subject, declared his intention to become a citizen of the United States, and ten years later completed his naturalization. Upon consideration of his citizenship, on return to Turkey the Porte recognized the citizenship as dat-

ing from the time when the declaration of intention was filed.

F. R. of U. S. 1893, p. 692.

Dryden v. Swinburne, 20 W. Va. 134.

NATURALIZATION HELD TO BE AN EX PARTE PROCEEDING.

The record of naturalization ought certainly to be held as *prima facie* evidence of the facts which it recites. It is not, however, conclusive.

Wharton Int. Law Dig. vol. ii. p. 438.

In re Stern, 13 Op. Atty.-Genls. 377, it was held that recitations in the record of matters of fact are binding only on parties to the proceeding and their privies. Erroneous recitations in *ex parte* proceedings cannot conclude the government as to matters of fact.

WHO MAY ATTACK A CERTIFICATE OF CITIZENSHIP.

A private individual cannot maintain a proceeding to set aside an order admitting an alien to citizenship.

In re McCarron, 29 N. Y. St. 582.

In re Shaw, 2 Pa. Dist. Rpts. 250.

OMNIBUS NATURALIZATION.

In the practice under treaties and by Acts of Congress admitting Territories to Statehood and acquisition of territory, citizenship is conferred on the inhabitants thereof without any compliance with the laws of naturalization. Whenever a citizen alleges that citizenship has been conferred on him by any of these special Acts, he must prove himself in accord with the terms of the Act and its provisions as therein set forth, producing

the Act of which judicial cognizance will be taken. The burden is on the alien to prove his citizenship.

Boyd v. Nebraska, 143 U. S. 135.

Webster, *Law of Citizenship*, pp. 215-217.

Evans, *American Citizenship*, pp. 9-13.

Tobin v. Walkinshaw, 1 McAllister (C. C. of Cal.), 186.

Wynn v. Morris, 20 How. 8.

McKinney v. Saviego, 18 How. 235.

Article VIII. Treaty of Queretaro.

Article III. Treaty of Paris.

Articles III., V., VI., Treaty of Washington.

In cases of aliens with whose countries exist naturalization treaties, it would seem the treaty must be followed, and five years' residence proved, in order to be effectual, as in exceptional naturalization under Section 2166.

Whart Int. Law Dig. vol. ii. p. 339, 340.

CITIZENSHIP IS NOT CONFERRED OTHER THAN BY THE LAW
OF THE COUNTRY WHERE THE ALIEN SEEKS IT.

Long-continued residence in the United States by an alien does not create him a citizen. To become a citizen he must comply with our laws. No foreign country can force its subjects on us by a declaration to the effect that such citizens have lost the citizenship of their country of origin by long-continued residence abroad. The municipal codes of Germany, France, and Italy declare that the subjects respectively of their countries lose their respective citizenship by ten years' continuous residence abroad. This does not have the effect to make them citizens of the United States, even in case their subjects may have resided here for a length

of time sufficient to lose their citizenship according to the municipal code of their country of origin.

EACH INDEPENDENT SOVEREIGNTY THE JUDGE OF THE
CITIZENSHIP OF ITS MEMBERS.

It is the universally admitted doctrine in international practice that a State is the sole and ultimate judge of citizenship of its own dependents, and is in its sovereign capacity competent to certify to the fact.

F. R. of U. S. 1893, p. 24.

The origin for this rests in the international and statutory law which aim to insure to the government, of which the party claims to be a citizen, the right and free opportunity to exact of him the fulfilment of the duties of citizenship, as much as to secure to the party the enjoyment of the rights and privileges of citizenship. The relation is reciprocal, involving the allegiance of the person to the State which protects him, as well as the obligation of the State to protect him while he shall bear true faith and allegiance to it.

F. R. of U. S. 1891, p. 494.

On general principles, conflicting citizenship is decided according to the laws of the one of the two countries claiming allegiance within whose jurisdiction the individual happens to be.

12 Op. Atty.-Genls. 319.

13 Op. Atty.-Genls. 89.

F. R. of U. S. 1885, p. 398.

DUAL CITIZENSHIP IN INTERNATIONAL PRACTICE.

In the international practice a dual citizenship has been termed a doubtful citizenship, in which case an election must be made on attaining majority, and must be signified by acts plainly expressive of intent.

F. R. of U. S. 1886, pp. 13, 301, 328.

In Dongian's case it was held that a citizen of the United States cannot maintain a double allegiance.

F. R. of U. S. 1891, p. 752.

The United States cannot admit that one can have at one and the same time two nationalities so as to avail himself alternately of the advantages or of the honors to each without participating in the burdens or duties of either.

F. R. of U. S. 1883, p. 276.

In re Steinkauler it was held that one could have two simultaneous nationalities,—the one natural, the other acquired.

15 Op. Atty.-Genls. 15.

This position is not countenanced by Bluntschli Voelker Recht, Section 373; Cockburn on Nationality; Phillimore Int. Law; or Field's Int. Code, who agree that under a sound system of international law such a thing as double nationality should not be suffered to exist.

Double nationality may or may not be convenient. It is not practical.

Webster, Law of Citizenship, p. 114.

DISTINCTION BETWEEN FEDERAL AND STATE CITIZENSHIP.

In the Fourteenth Amendment to the Federal Constitution a definition of citizen was inserted to mean, "all persons born or naturalized in the United States, and subject to the jurisdiction thereof." Such persons are thereby rendered not only citizens of the United States, but of the State wherein they reside.

Ordronaux, Const. Legis. p. 303.

The distinction thus made is discussed in the Slaughter House Case, 16 Wall. 74, and in *U. S. v. Cruikshank*, 2 Otto, 542, in which it is held that "the same person may be at the same time a citizen of the United States and a citizen of a State, but his rights of citizenship under one of these governments will be different from those he has under the other." Therefore one is primarily a citizen of the United States, and secondarily a citizen of the State in which he is domiciled in conformity to its local laws. But a citizen of a Territory is a citizen of the United States only, and of no particular State.

Prentiss v. Brennan, 2 Blatch. 164, 165.

And citizens of the United States are only inchoate citizens for political purposes. Their privileges and immunities are identical with those of every other citizen occupying the same political status. This status, as considered by these political privileges and immunities, are exclusively the creation of local sovereignty. A State may enlarge or restrict them within the permitted constitutional limits, but cannot discrimi-

nate against the citizens of other States as citizens of the United States generally.

Ordronaux, Const. Legis. p. 304.

U. S. *v.* Anthony, 11 Blatchf. 200.

Strauder *v.* W. Va., 100 U. S. 303.

Missouri *v.* Lewis, 101 U. S. 22.

Virginia *v.* Rives, 100 U. S. 315.

Ex parte Virginia, 100 U. S. 339.

Neal *v.* Delaware, 103 U. S. 370.

Hurtado *v.* California, 110 U. S. 516.

Santa Clara *v.* So. Pac. R. R., 118 U. S. 394.

Pdpha. Ins. Co. *v.* N. Y., 119 U. S. 110.

Civil Rights Cases, 109 U. S. 17.

A citizen of the United States may travel in the United States, and demand equality of citizenship and the equal protection of its laws, "with the exception of the right to exercise the special privileges in the nature of local franchises which may have been conferred by the laws of any State upon its citizens, and which are confined to the limits of its sovereignty."

Ordronaux, Const. Legis. p. 306.

Cooley, Const. Limit, 4th ed. p. 498.

Ward *v.* Maryland, 12 Wall. 418.

CONDITION PRECEDENT TO ENJOYMENT OF STATE FRANCHISES.

In order that a citizen may enjoy these special State franchises, which may differ in one State from what they may be in another State, two elements are important,—first, residence in the State established according to the local laws; and second, subjection to the jurisdiction of the State.

The establishment of the residence implies the subjection to the jurisdiction in most instances; yet the simple location of the residence in itself is not conclusive, unless there is an intent coupled with it, and both the actual residence and intent to locate coincide to acquire the State citizenship. This can be done without the consent of the State.

Evans on American Citizenship.

Sharon v. Hill, 10 Sawyer, 291.

Slaughter House Cases, 16 Wall, 36.

Sharon v. Hill, 11 Sawyer, 291.

Gribble v. Press Co., 5 McCrary, 73.

It has been held that residence in itself of a citizen of the United States in any State of the Union created State citizenship.

Gassies v. Ballon, 6 Pet. 761.

STATUS OF CITIZENS OF THE UNITED STATES WHO DO
NOT ENJOY THE LOCAL PRIVILEGES AND IMMUNITIES
OF THE STATE IN WHICH THEY MAY RESIDE.

The term "organic citizens" has been applied to those who fall within this classification. There is no obligation upon them to seek the local political rights, although they might readily do so, nor is there any prescribed rule under which the political rights can be forced upon them against their will, or work a surrender of the political rights which they may enjoy in some other State in the Union in which they may be domiciled. They carry with them, wheresoever they may go in the United States, privileges and immunities as citizens of the United States, and none other.

Minor v. Happersett, 21 Wall. 162.

What these privileges and immunities are the Supreme Court of the United States has ruled that it is safer and more in accordance with the duty of a judicial tribunal to leave the meaning to be determined, in each case, upon a view of the particular rights asserted and denied therein.

Connor v. Elliot, 59 U. S. 593.

Ordronaux, Const. Leg. pp. 339-342.

Nor are they defined in the Constitution of the United States.

Minor v. Happersett, 21 Wall. 162, 163.

First, the privilege of travel, without State interference, from State to State. In the Passenger Cases the levying of a State tax on aliens arriving at State ports was held to be contrary to the Constitution and laws of the United States, and therefore null and void.

Smith v. Turner, 7 How. 283.

Cooley v. Board of Wardens, 12 How. 299.

McCulloch v. Maryland, 4 Wheat. 316.

All the citizens of the United States, as members of the same community, must have the right to pass and repass through every part of it without interruption, as freely as in their own States.

Crandall v. Nevada, 6 Wall. 35.

Corfield v. Caryell, 4 Wash. C. C. 380.

People v. Brooks, 4 Denio, 469.

Willard v. People, 5 Ill. 461.

Second, the privilege of trade and commerce in common with the citizens of any State. A statute of a State which prohibits the sale, within a certain district of the State, of goods other than agricultural products, and articles manufactured in the State by persons not resi-

dents in the State, without first obtaining a license and paying therefor, is unconstitutional.

Section 2, Art. 4, Constitution of U. S.

Ward v. Maryland, 12 Wall. 418.

Erie Railway Co. v. Pennsylvania, 15 Wall. 284.

A State may tax at its own discretion its own internal commerce, and the franchises, property, and business of its own corporations, so that interstate intercourse, trade, or commerce be not embarrassed or restricted.

Pdpha. & Reading R. R. v. Pennsylvania, 15 Wall. 282.

The right of a State to maintain police laws is complete and unqualified. There can be no constitutional conflict with the laws of the United States, as the power is absolute and supreme.

The License Cases, 5 How. 536.

State v. Robinson, 49 Me. 285.

Blackstone Mfg. Co. v. Blackstone, 13 Gray, 488.

Commonwealth v. Milton, 12 B. Mon. 212.

Sears v. Commissioners, 36 Ind. 267.

Seymour v. State, 51 Ala. 52.

De Groot v. Van Duzer, 20 Wend. 390.

Erie Railway Co. v. New Jersey, 2 Vroom, 531.

Third, the privilege of equality before the laws of the State with the citizens thereof (Second Section, Fourth Article of Constitution of United States). Any rights assented to by the laws of a State must not in anywise infringe the privileges of a citizen of the United States. Thus any rights attached by the law of contracts, by reason of the place where such contracts are made or executed, wholly irrespective of citizenship of the parties

to those contracts, cannot be deemed privileges of a citizen within the meaning of the Constitution.

Conner v. Elliot, 18 How. 593.

Paul v. Virginia, 8 Wall. 168.

State v. Medbury, 3 R. I. 138.

Morgan v. Meville, 74 Pa. 52.

STATUS OF ALIENS IN THE UNITED STATES.

Aliens in general, being within our limits and jurisdiction, are bound to respect our laws, and cannot exact any other mode of promulgation than that which is marked out for the information of our own citizens. They owe allegiance and obedience to the laws as long as they remain in the jurisdiction, as a duty imposed upon them by the mere fact of their residence and the temporary protection which they enjoy, and are as much bound to obey the laws as native subjects or citizens.

Whart. Int. Law Dig. vol. ii. pp. 503, 504.

Phillimore on Int. Law, vol. i. p. 454.

Webster on Citizenship, pp. 96, 247, 267, 291.

Carlisle v. U. S., 16 Wall. 148.

The Pizarro, 2 Wheat. 246.

STATUS OF ALIENS IN THE STATES.

The Constitution of the United States, the laws and the treaties of the United States in particular, in so far as they are applicable to an alien resident or sojourner in a State, are as much a part of the law of the State as are its own constitution and local laws.

Chinese Exclusion Cases, 130 U. S. 606.

Hanenstein v. Lynham, 100 U. S. 488.

Shanks v. Dupont, 8 Pet. 242.
The Tobacco Cases, 11 Wall. 616.
People v. Clarke, 5 Cal. 381.
Ware v. Hilton, 3 Dall. 199.
Fisher v. Harnden, 1 Paine, 55.
U. S. v. Peggy, 1 Cranch, 109.
Head Money Cases, 112 U. S. 580.
Gordon v. Kerr, 1 Wash. C. C. 322.
 6 Op. Atty.-Genls. 748.
 8 Op. Atty.-Genls. 411.
 13 Op. Atty.-Genls. 354.

Being paramount to the local law of the place in which the alien may take up his residence, they are to be considered as fundamental to the privileges and immunities which the alien may enjoy. They are not, however, to be accorded greater protection than the law of the State extends to its own citizens.

7 Op. Atty.-Genls. 229.

3 Op. Atty.-Genls. 253.

Webster, *Law of Citizenship*, pp. 49, 96, 247, 267, 289, 290.

THE PRIVILEGE OF SUFFRAGE.

The privilege of suffrage is political, and is conferred by the Constitution and laws of a State upon such individuals as it may deem proper for its political welfare. The Constitution of the United States gives no guarantee to a citizen of the privilege of suffrage except under the Fifteenth Amendment. There shall be no discrimination by any State against a citizen of the United States because of race, color, or previous condition.

U. S. v. Reese, 92 U. S. 214.

Harrison v. Hadley, 2 Dill. 229.

In view of this restriction, the States have enacted rules which qualify this privilege in the local practice, and by whom it may be exercised.

In the State of New Hampshire "male inhabitants." In Wyoming, "all citizens of the United States," which includes both male and female. In California, Florida, Idaho, Illinois, Iowa, Maine, Maryland, Mississippi, Montana, Nevada, New Jersey, Ohio, South Carolina, Vermont, and Washington, "male citizens of the United States." In Alabama, Arkansas, Colorado, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Oregon, South Dakota, and Wisconsin, "male citizens of the United States and male aliens who have declared their intentions to become citizens." In West Virginia, "male citizens of the State." In Kentucky and New York, "male citizens." In Connecticut, Delaware, Georgia, Massachusetts, Pennsylvania, Rhode Island, Tennessee, Texas, and Virginia, "male citizens," "male citizens of the United States," and "male aliens who have declared their intention to become citizens" under special limitations.

American Citizenship, by Evans, p. 85.

THE QUALIFICATION OF CITIZENSHIP.

Where this requirement is made a prerequisite to the exercise of the privilege of suffrage by any State, the evidence must be presented to prove the alleged status of citizenship. The proof must be submitted to the legally constituted authorities of the State, who are authorized to pass upon the qualifications of the voters.

THE AUTHORITIES.

The legally constituted authorities are known as Boards of Registration, Boards of Registrars, or the equivalent. It is not so much the name of the tribunal as the capacity in which it acts.

THE CAPACITY IN WHICH THE MEMBERS ACT.

The officers who constitute the Boards of Registration or Boards of Registrars act in a judicial or *quasi* judicial capacity.

Perry v. Reynolds, 53 Conn. 527, 534.

Walker v. Brockway, 1 Mich. (N. P.) 57.

People v. Board of Registrars, 15 Mich. 158.

Keenan v. Cooke, 12 R. I. 52.

Auld v. Walton, 12 La Ann. 129.

Whenever the question of citizenship is a prerequisite to the privilege of suffrage, the Board should pass upon it and decide. It is within their jurisdiction so to do, and yet it is always a question aside from that of malicious intent, to what extent the members are free from liability, in case a revision of the finding is possible, which should prove their action to have been in error.

When the Board acts in a judicial capacity, the members are not liable. In *People v. Board of Registrars*, 15 Mich. 158, the petitioner who sought the privilege claimed he had less than one thirty-second Indian blood in his veins, the rest being pure white or Caucasian, and the Board rejected him. On an appeal, the court held that the Board acted in a judicial capacity, and refused to revise the finding.

In *Walker v. Brockway*, 1 Mich. (N. P.) 57, the petitioner had one-fourth negro blood in his veins, and not more than one-eighth Indian, and the Board refused him the right to register. On appeal the Board was held to have acted in a judicial capacity.

The capacity of Boards has been discussed, and in each instance is found to depend upon the Constitution and Statutes of the State in which the question has arisen.

Hedgeman v. Board of Registrars, 26 Mich. 51.

Freeman v. Selectmen of N. H., 34 Conn. 415.

Gillespie v. Palmer, 20 Wis. 544.

Jeffrys v. Aukenny, 11 Ohio, 372.

Monroe v. Collins, 17 Ohio, 665.

Killam v. Ward et al., 2 Mass. 236.

Lincoln v. Hapgood et al., 11 Mass. 350.

The right of any individual person claiming the privilege of voting may involve an inquiry into the fact of citizenship, sex, age, domicile within the Commonwealth, domicile within the town or district, the payment of taxes, exemption by law from the payment of taxes, and the fact of his being a pauper or under guardianship or otherwise, — all these questions of fact open to proof of various kinds, and sometimes, though rarely, requiring considerable research and investigation.

Capen v. Foster, 12 Pick. 491.

And the question is whether or not the Constitution and Statutes of a State authorize the Boards of Registration to go into these investigations.

Waite v. Woodward et al., 10 Cush. 145.

A judicial consideration of these questions cannot be underestimated in their importance, and the Boards

should make the inquiry to insure a legal exercise of the privileges by citizens entitled to it.

By clear current of authority, both in England and in this country, the members of Registration Boards are free from liability when they act with an honest purpose, free from wilfulness and malice, although it may be proved that they acted wrong.

Ashley v. White et als., 2 Ld. Raym. 938.

Harman v. Tappenden et als., 1 East, 555.

Weckerley v. Geyer, 11 Serg. & R. 35, 39.

An action on the case will not lie against the moderator of a town meeting, for refusing to receive the vote of a person legally qualified to vote, without showing malice express or implied.

Wheeler v. Patterson, 1 N. H. 88.

Carter v. Harrison, 5 Blackf. 138.

State v. Porter, 4 Harrington (Del.), 556.

Rail v. Patts & Baker, 8 Hump. 225.

Inspectors of elections are, under the laws of the Assembly, the exclusive judges of qualifications of voters, and no corruption being charged or found against them, are not responsible for mere error of judgment.

Peavey v. Robbins, & Jones (N. C.), 339.

The office held by judges of election is in its nature judicial, and such officer cannot be held legally responsible for anything more than an honest and faithful exercise of his judgment, and is not liable for the consequences of mistakes honestly made.

Bevard v. Hoffman, 18 Md. 479.

Friend v. Hamil, 34 Md. 298.

Morgan v. Dudley, 18 B. Mon. 494, 693.

Jenkins v. Waldron, 11 Johns. Repts. 114.

Keenan v. Cooke, 12 R. I. 52.

Gotchens v. Mattheson, 58 Barb. (N. Y.) 152.

In this connection the question of granting of passports may be considered, where the executive department passes upon the applications of citizens, and decides whether or not the passport shall issue by which such protection shall be afforded the applicant as the government can give to its citizens in foreign countries. The application by a naturalized citizen is based upon proof of his citizenship; for only to citizens can passports be granted. The evidence must be satisfactory, and an inquiry is presumed in each case when an application is made, and where fraud is an instrument in obtaining the passport, the passport is treated as a nullity, and its validity not acknowledged.

Whart. Int. Law Dig. vol. ii. p. 481.

The analogy between State Boards of Registrars in their relations to the privilege of the suffrage, and the Department of State in the relation to the protection of citizens abroad, would seem to lie in the validity of the naturalization, or, if valid, in its possible loss by some act of the alien naturalized, committed either at home or abroad; in the one instance, seeking the exercise of the suffrage, and in the other, applying for a certificate of citizenship by which to obtain protection in foreign countries.

In either instance the citizenship of the applicant should be clearly established. In the matter of passports the rules are exact, and equal exactness should be insisted on in respect to suffrage in cases where

citizenship is a prerequisite. Where such a prerequisite does not exist, no rule appears to have been authoritatively established.

PASSPORTS TO NATURALIZED CITIZENS.

There is no distinction between native and naturalized citizens in the right to apply for a passport. A passport is a certificate of citizenship, and the issue of the passport is not obligatory in any case, but is only permitted where not prohibited by law.

13 Op. Atty.-Genls. 92.

It is merely a certificate of citizenship and identity, its purpose being to enable the bearer to be admitted within the territory of a foreign government in the quality of and with the privileges thereby allowed to a foreign citizen.

In re Francisco Cordova, who applied for a passport, a native of the Spanish dominion, whose father was naturalized, and during the five years' residence of the father in this country, the son had also resided here. He was a minor of the age of twenty years and five months when his father completed his naturalization, and while still a minor requested the passport for the purpose of return to, residence in, and entry into business in the Spanish dominion. It was held to be immaterial that he contemplated return to his country of origin, any more than if his destination had been elsewhere.

15 Op. Atty.-Genls. 116.

The citizenship must be supported by a certificate of naturalization and the possession of a passport, which

are only presumptive proof, in the absence of other evidence, that the person named therein is a citizen of the United States. The question in each case must be decided by the facts peculiar to it, and should be investigated and decided by the officer to whom the application is made.

Whart Int. Law Dig. vol. ii. p. 480.

As a general rule, a passport granted by the Secretary of State is not evidence in a court of justice that the person to whom it was given was a citizen of the United States.

Metetiqui v. D'Arbel, 9 Pet. 692.

A passport must, however, be respected as *prima facie* evidence of the facts recited to be traversed by competent proof.

F. R. of U. S. 1893, pp. 23, 530-536.

Webster, Law of Citizenship, p. 302.

In the matter of the relations of naturalized citizens to the government of the United States, they are classified as follows: —

TO NATURALIZED CITIZENS WHO RESUME PERMANENT
DOMICILE IN COUNTRY OF ORIGIN.

In re David Waldenberg, and Jacob Waldenberg his son.

David Waldenberg, native of Poland, came to the United States in 1848; became a naturalized citizen, and returned to Poland in 1864, where he took up and continued his residence with no apparent intention of returning to the United States. It was held on his application that all presumption of conservation of

right to continued protection as a naturalized citizen had been forfeited.

Jacob Waldenberg, the son, was born in Poland in 1872; never been in the United States; yet in his claim to citizenship made oath that he intended to come to the United States within two years, without any preparation to exercise the rights and duties of an American by learning the English language. It was held that he must take the necessary steps to effect it by actual removal to the United States, here to dwell and perform the duties incumbent on a good citizen, and for the purpose of removal a passport may be given him, but not otherwise.

In re two other children, minors, Isador and Emily, it was held that they should have the benefit of the doubt, and be secured recognition of the status of American citizenship under Section 1993, Revised Statutes, until they come of age and become competent to exercise the option of domicile which belongs to them.

F. R. of U. S. 1893, pp. 541, 543.

In re William Lassone, emigrated from Hamburg to the United States in 1862, when seventeen years of age. Resided in the United States until 1868, when he became a naturalized citizen, and then went to Russia, where he continued to reside. In his application for a passport, he declared his intent to return to the United States "when able to." It was held that it would be difficult to conceive of a clearer case of a foreigner availing himself of the liberal laws of the United States to acquire the rights and privileges of an American citizen, to be used for his protection and advantage in a foreign country, and enabling him to

evade the duties of citizenship equally in the country where he was naturalized, and in the country where he has been domiciled for twenty-five years. His very vague intention of returning to the United States is altogether too indefinite to be entitled to serious consideration.

F. R. of U. S. 1893, p. 538.

In re Herman Keller, born in Mexico in 1855, where his father, who was naturalized in the United States in 1847, then resided, the applicant had no knowledge of having been in the United States, and had no present intent of returning to and residing in the United States to perform the duties of citizenship. At time of his application he was a resident of England. It was held that the case does not appear to be a proper one for the issuance of a passport.

F. R. of U. S. 1889, p. 449.

In re Alexander Hatchdoorian, born in Turkey in 1865, of a father who was a naturalized citizen of the United States. He had never been in the United States. Did not intend to come to the United States to reside, but to visit the country at some future time. He registered at the Consulate of the United States as an American citizen. On his application for a passport it was held that when a foreigner, after naturalization in the United States, returns to his native land, and thereafter merging himself in the society and nationality of that land has a son, that son, should he remain there until majority, is required, in order to have the protection of American nationality, not merely to elect American citizenship, but to carry that election out by taking immediate measures to come to the

United States as a permanent abode. The latter condition does not exist in the present case, and therefore the application was rejected.

F. R. of U. S. 1887, p. 1132.

TO NATURALIZED CITIZENS WHO ACCEPT OFFICES IN
FOREIGN COUNTRIES.

In re Dr. Alberto Lacayo, born in Nicaragua, came to the United States, and in 1878 was naturalized; applied to the Legation of the United States for a certificate of protection. In his application he set out that he had served as mayor of Granada for the term of three months, having been elected against his will; was engaged as a druggist, and proposed to remain in Nicaragua until the death of his father and mother, both citizens of Nicaragua, and then move to the United States. He presented his certificate of naturalization and two passports issued in 1879 and 1886 respectively by the United States. It was held that the nature of the oath taken by the applicant when accepting the office of mayor was conclusive against the issuance of a passport.

F. R. of U. S. 1893, p. 185.

In re Rudolph Nejedly. His father emigrated to the United States in 1852, was naturalized in 1860, and in 1861 returned to Europe, taking with him his son, born in this country before the naturalization of the father. The son was employed in the Savings Bank of Vienna, and when eighteen years of age received an American passport to protect him against the conscript laws of Austria, his father being an

Austrian by birth. In his application he stated his intent to return to the United States "when circumstances will permit." It was held that birth in this country of a foreign father, a residence of six or seven years thereafter, followed by departure with the father, who abandons the country immediately after his naturalization, and by a continuous residence abroad up to the thirty-seventh year, without having returned to this country, without any identification with its interests, and without any apparent intention to come hither and assume the duties of citizenship, must be held to constitute a very slender basis for a claim to the protection of the United States.

F. R. of U. S. 1891, p. 16.

TO NATURALIZED CITIZENS WHO ENTER THE EMPLOYMENT
OF FOREIGN BUSINESS FIRMS IN FOREIGN COUNTRIES.

In re Anthony, William Iby, born in Roumania in 1863, emigrated to the United States with his father in 1878, and became naturalized in 1888, and the following month left the United States, and established a permanent residence in London. In 1891 he applied for and received a passport, expressing then his intention to return to the United States within two years. In 1888 he entered the employ of an English firm, and was immediately transferred to London as the traveling representative for the Continent of Europe. He had no relations or business interests in the United States. In 1893 he applied for a passport, expressing his intention of returning to resume his duties as a citizen within a year. On his application it was held

that the United States is always well disposed towards its citizens who sojourn abroad in representation of American commercial interests; but the applicant's employment is not American, and even were he put in charge of the New York branch of the present English house, his agency would still be foreign, and his American citizenship of no special advantage to him, or to his principals; whereas now it is of distinct benefit to him in his trade of travelling agent on the Continent. It is a long-standing rule that an applicant's declared purpose should be made satisfactorily apparent, and not be conspicuously negatived by the attendant facts of his sojourn abroad. Passport granted with the distinct intimation that the best proof of intention in such cases is its execution.

F. R. of U. S. 1893, pp. 318, 321.

TO WIFE AND MINOR CHILDREN OF NATURALIZED CITIZENS, WHEN THEY HAVE NEVER RESIDED IN THE UNITED STATES.

In re Michaelian, a naturalized citizen of the United States, who petitioned that passports as citizens of the United States be issued to his wife and minor children, it was held, although not questioning the doctrine laid down in 14 Op. Atty.-Genls. 402, "yet in view of the obstacles to claiming for the laws, judicial decisions, and executive opinions of the United States effective validity beyond the jurisdiction of the United States, this Department prudently refrains from asserting its application to the case of an alien wife continuing within her original allegiance at the time of her hus-

band's naturalization in the United States, inasmuch as the citizenship of the wife might not be effectively asserted as against any converse claim of the sovereignty within which she has remained. The result would naturally be a conflict of private international law, wherein the State within whose actual jurisdiction the wife remains might be found to have the practical advantage of the argument. As to the minor children, the case is clear because they never dwelt at any time in the United States, being under the age of twenty-one years according to the terms of Revised Statutes, Section 2172."

F. R. of U. S. 1898, pp. 598, 599.

NECESSITY OF EXACT RULES IN MATTER OF REGISTRATION.

The question is one in which the National Government takes no direct interest except in so far as the restrictions of the Fifteenth Amendment to the Constitution of the United States are concerned, whereby it acts directly on the people. Aside from this, it is a matter of State supervision.

Chirac v. Chirac, 2 Wheat. 269.

Prigg v. Penna, 16 Pet. 622.

Stephens, Petit, 4 Gray, 561.

Whenever citizenship is made a basis for a claim to the exercise of any privilege or a demand for protection that claimant should be in readiness to prove the rightfulness of his claim before any tribunal where he may be summoned of *Civis Americanus sum*.

LAWS OF NATIONALITY.

AUSTRIA-HUNGARY.	JAPAN.
BELGIUM.	MEXICO.
BOLIVIA.	MONACO.
BRAZIL.	NETHERLANDS.
CANADA.	NICARAGUA.
CHILE.	PORTUGAL.
COLUMBIA.	ROUMANIA.
COSTA RICA.	RUSSIA.
DENMARK.	SAN SALVADOR.
FRANCE.	SIBERIA.
GERMANY.	SPAIN.
GREAT BRITAIN.	SWEDEN & NORWAY.
GREECE.	SWITZERLAND.
HAITI.	TURKEY.
HAWAIIAN ISLANDS.	VENEZUELA.
ITALY.	

AUSTRIA-HUNGARY.

ACQUISITION OF AUSTRIAN CITIZENSHIP.

Austrian citizenship is acquired by virtue of the provisions of the Constitution of the empire.

The conditions under which it may be acquired are the following:—

a. Right on the part of the applicant under the laws of the country of which he or she is a citizen to acquire citizenship in a foreign country. Corroboration of the statement of the applicant that he enjoys such a right may be required.

b. Statement of the applicant as to his moral standing and sufficient means of living or ability to earn a livelihood.

c. Declaration of some parish or community in the empire through its chief authorities that it is willing to receive the applicant as one of its members in case his application for citizenship is approved. The applicant makes the statement in writing to the governor of one of the Imperial provinces or other authorized official, from whom only in doubtful cases is there an appeal to the Ministry of the Interior. The application is accompanied by an oath of allegiance to the Imperial authorities. The effect of the naturalization is to admit the wife and minor children, as well as the applicant, to citizenship. Children who have reached majority do not acquire citizenship by the application of the father.

Citizenship is acquired by an alien through the act of accepting an official position under the Imperial government.

Alien females acquire Austrian citizenship by marriage to an Austrian male citizen.

Hofdekret, Feb. 28, 1833.

Sect. 1. In the collective provinces of the Hungarian Crown, citizenship is one and the same.

Sect. 2. Hungarian citizenship is acquired only in the following manner:—

1. Through descent.
2. Through legitimation.
3. Through marriage.
4. Through naturalization.

Sect 3. DESCENT. — Through descent the legitimate children of an Hungarian citizen, and the illegitimate children of an Hungarian female citizen, acquire Hungarian citizenship in both cases, even when the place of birth is in a foreign country.

Sect. 4. **LEGITIMATION.** — Through legitimation the illegitimate children of an Hungarian citizen, who are the offspring of a foreign female, acquire Hungarian citizenship.

Sect. 5. **MARRIAGE.** — Through marriage each foreign female who marries an Hungarian citizen acquires Hungarian citizenship.

Sect. 6. **NATURALIZATION.** — Through naturalization each foreigner who receives a certificate of naturalization from one of the authorities named in Section 11, or receives a diploma of naturalization from His Majesty, in compliance with Section 17, and takes the oath or vow of a Hungarian citizen, acquires Hungarian citizenship.

Sect. 7. The Hungarian citizenship acquired by a man received into the State-union extends to his wife and to the minor children being under his paternal authority.

Sect. 8. As to the acquisition of the Hungarian citizenship through naturalization, that foreigner only can obtain a certificate of naturalization who (1) possesses the capability for the performance of correct actions, of when the consent of his lawful representative replaces the deficiency in this respect; (2) is received in the union of any native community, or whose reception by the community is in view; (3) lives uninterruptedly since five years in the country; (4) is of irreproachable previous life; (5) possesses so much property or such a source of income as enables him to support himself and his family according to the circumstances of his place of residence; (6) has been received for five years past in the list of tax-payers.

In the naturalization of a foreigner, who as an Hungarian citizen is adopted in accordance with our laws, the conditions of the points, 3, 5, 6, of this paragraph can be remitted when the adopted party fulfils the conditions of Sections 5 and 6.

Sect. 9. For conferring Hungarian citizenship a properly composed petition is to be addressed to the first officer of that municipality, or at the military frontier, to that district bureau, or to that town magistrate in whose jurisdiction or district the petitioner resides.

Sect. 10. The authority indicated in Section 9 examines the petition, with the accompanying papers, eventually directs the petitioner to supply the necessary documents which may be wanting, and in case where any suspicion arises as to the form or contents of these documents, he requests from the competent authorities explanation, and submits the whole documents, accompanied by a developed opinion, to the Ministry of the Interior, or to the Croatian-Slavonic-Dalmatian Banus, or to the provincial authority of the military frontier.

Sect. 11. In the matter of the reception into the State-union, to be effected according to Sections 8, 9, and 10, the Minister of the Interior decides in regard to those who live in the territory of Hungary and Fiume and the Croatian-Slavonic-Dalmatian Banus, respectively; the military frontier, provincial authorities as regards those who live in the territory of Croatia-Slavonia, and in the event the petition be granted, a certificate of naturalization will be delivered to the party. However, each separate case is to be brought to the knowledge of the minister president for the purpose of proof.

Sect. 12. In the certificate of naturalization shall be clearly expressed that the party has been received among the Hungarian citizens; and in the case of Section 7 also the names of the wife and of those children of the same to whom the naturalization extends shall be mentioned.

Sect. 13. After the certificate of naturalization has been submitted to the authority representing the affair, the same informs the authority indicated in Section 9, which notifies the petitioner, and fixes the day for taking the oath of citizen (vow).

The oath is to be taken before the first officer of the municipality; in the military frontier, before the chief of the district, respectively, before the burgo-master or his representative.

Sect. 14. The contents of the citizen-oath (vow) are as follows: "I, N. N., swear (vow) by God that I will be faithful to His Imperial and Royal Majesty, the Apostolic King of Hungary, and to the Constitution of the provinces of the Hungarian Crown, and I promise that I will faithfully fulfil my duties as Hungarian citizen."

Sect. 15. A protocol is to be prepared in the matter of the taking of the oath (vow), that the taker of the oath (vow) is to subscribe. The day of the taking of the oath (vow) is to be indicated on the certificate of naturalization with the signature of him before whom the oath was taken, and this certificate is to be delivered to the party received into the State-union.

The party received into the State-union is, beginning from this day, Hungarian citizen, but can — the case provided in Section 17 excepted — become a member of the legislature only after ten years subsequently to his reception into the State-union.

Sect. 16. When the party for whom the naturalization certificate has been issued, and who has been cited to take the oath (vow), does not appear and take the same within one year from the day of the citation, the naturalization certificate loses its validity, and is to be submitted to that authority which has issued it, together with evidence of the service of the citation.

Sect. 17. The ministry can propose to His Majesty the conferring of the right of citizenship on those foreigners who have performed extraordinary and distinguished meritorious services to the provinces of the Hungarian Crown, and either live in the country or declare that they will settle here, even when they do not possess the requirements enumerated in the points 2, 3, and 6 of the Section 8.

When the party who has in such manner acquired the right of citizenship has not yet sought to be received in the union of a native community, then the community to which he belongs will be preliminarily Buda-Pesth.

The enactments of the former Sections 12, 13, 14, 15, and 16, are also applicable to those who have acquired citizenship with royal certificates.

Sect. 18. A foreigner does not acquire through naturalization Hungarian nobility.

Sect. 19. So long as their foreign nationality is not proved are to be considered as Hungarian citizens, (1) those who are born in the territory of the provinces of the Hungarian Crown; (2) those who as foundlings have been found and educated or brought up in this territory.

Sect. 20. OF THE LOSS OF HUNGARIAN CITIZENSHIP.

Hungarian citizenship ceases, (1) through discharge; (2) through decision of the authorities; (3) through absence: (4) through legitimation; (5) through marriage.

Sect. 21. DISCHARGE. — As regards discharge, the decision depends, in time of peace, as to those who belong to the union of communities in the territory of Hungary and Fiume from the Minister of the Interior, but as to those who belong to the union of the communities in the territory of Croatia-Slavonia, from the Banus of Croatia-Slavonia-Dalmatia, respectively, from the provincial administration of the military frontier.

In this decision, when approval is given to the petition, it shall be declared that the party is discharged from the union of the Hungarian State. Such decisions are for necessary proof to be submitted to the minister president.

Sect. 22. Individuals who stand under engagement to perform service in the line (marine), in the reserve, or substitute reserve, can be discharged from the union of the Hungarian State only in the case when they have received from the common minister of war of the monarchy (Honveds, however, only then, when, from the minister of defence of the country) a certificate of their discharge from the union of the militia.

Individuals who are not subject to the above-mentioned military duty, but are not definitely relieved from the same, can, in case they have already terminated their seventeen years, only be discharged from the union of the Hungarian State in the case that they exhibit through an attest of the respective jurisdiction that they do not apply for their discharge with the object of escaping military duty.

Sect. 23. Exceptions from the provisions contained in Section 22 are on the ground of reciprocity in respect to those to whom the acquisition of Austrian citizenship is in view. These persons are to be discharged from the Hungarian State-union when they prove that they possess all the qualities enumerated in points 1, 2, and 3 of Section 24.

Sect. 24. The discharge from the union of the Hungarian State can in time of peace not be denied for other reasons than those enumerated in Section 22 to the party who proves, (1) that he has capacity for correct action, or that his father, respectively his guardian or trustee, in the manner approved by guardian authorities, gives his consent to the application; (2) that he is not in arrears with any State or communal tax; (3) that he does not, within the territories of the provinces of the Hungarian Crown, stand under criminal examination, or that a criminal sentence has been pronounced against him which has not been executed.

Sect. 25. In time of war His Majesty, on the proposal of the ministry, decides in every separate case in regard to the discharge from the Hungarian State-union.

Sect. 26. The discharge extends to the wife of the discharged man, and so far as no exception exists, in accordance with Section 22, to the minor children, being under paternal authority when they emigrate with the father, respectively parents.

Sect. 27. The properly composed petition for discharge from the Hungarian State-union is to be delivered to the first officer (vicegespan, burgomaster) of that jurisdiction, respectively, in the military frontier,

by that district bureau in whose territory the petitioner belongs.

This authority observes in regard to the petition the proceedings enacted in Section 10.

Sect. 28. In the decree of discharge it is to be clearly declared that the party is to be discharged from the union of the Hungarian State, and in the case provided in Section 6 the names of the wife and those children of the discharged party are to be mentioned to whom the discharge extends.

Sect. 29. The decree of discharge brings, from the day of its presentation, the loss of Hungarian citizenship with it.

However, the discharge is invalid when the discharged party, before obtaining the decree of discharge up to the emigration, is involved in one of the obstacles included in the points 2 and 3 of Section 24, or also besides, when the discharged party does not emigrate within one year after receiving the decree of his discharge.

Sect. 30. The authorities named in Section 11 can pronounce the loss of citizenship in respect to such Hungarian citizens who belong to the communities in the territory standing under their administration, and who, without their permission, enter their service of another State; when these persons, after summons, do not leave this service within the appointed time.

The decisions mentioned in this section are, from time to time, for necessary proofs, to be submitted to the minister president.

Sect. 31. ABSENCE. — The Hungarian citizen who, without order of the Hungarian government or of the

Austro-Hungarian common ministers, resides uninterruptedly for ten years out of the boundaries of the territory of the Hungarian Crown, loses hereby Hungarian citizenship. The time of absence is to be reckoned from that day on which the party left the boundary of the territory of the Hungarian Crown without having announced his retention of Hungarian citizenship to the competent authority indicated in Section 9, or when he departed with a passport, from the day on which the passport expires.

The continuance of absence is interrupted when the absent party announces to the mentioned competent authority the retention of his Hungarian citizenship, or obtains a new passport, or receives a certificate of residence from some Austro-Hungarian consulate, or is entered in the register of an Austro-Hungarian consular district.

Sect. 32. The loss of Hungarian citizenship occurring in this manner extends to the wife living together with her absent husband, and to their minor children with him, and being under paternal authority.

Sect. 33. **LEGITIMATION.** — Those children lose Hungarian citizenship who are legitimated in accordance with the laws of the native country of their natural father of foreign nationality, excepting when they, through this legitimation, have not acquired the citizenship of their father, and also after their legitimation lived in the territory of the provinces of the Hungarian Crown.

Sect. 34. **MARRIAGE.** — The female loses her Hungarian citizenship who marries a man that is not an Hungarian citizen.

Sect. 35. The native female does not lose her Hungarian citizenship, who, marrying an Hungarian citizen, becomes a widow, is judicially divorced, or when their marriage is annulled.

Sect. 36. The Hungarian citizen who is at the same time citizen of another State, is to be considered as an Hungarian citizen so long as he has not lost his Hungarian citizenship.

Sect. 37. REACQUISITION OF CITIZENSHIP. — The female reacquires her citizenship who has married a foreigner, when her marriage is declared by a competent tribunal to be invalid.

Sect. 38. RE-RECEPTION INTO THE STATE-UNION. — To those persons who have lost Hungarian citizenship and apply for re-reception among Hungarian citizens, the foregoing enactments in relation to reception in the State-union are applicable, in so far as the following sections exhibit no exception.

Sect. 39. Whoever has lost Hungarian citizenship through discharge or absence, and has not acquired another citizenship, can also again be received among Hungarian citizens when he has not returned to live in the territory of the provinces of the Hungarian Crown.

In the latter case the party again received into the State-union recovers his former belonging to the community.

Sect. 40. Whoever has lost his Hungarian citizenship through discharge or absence, and has returned to the territory of the provinces of the Hungarian Crown, is received into the union of any native community respectively, receives this reception in view, can by means of his petition again be received among Hungarian citizens.

Sect. 41. The female who, through discharge, absence of her husband, or her marriage with a foreigner, has lost her Hungarian citizenship, can, when she has been judicially divorced from her husband, her marriage has been annulled, or when she becomes a widow, and has been received in the union of a community in the territory of the provinces of the Hungarian Crown, or this reception has been placed in view, be received on application again among Hungarian citizens.

Sect. 42. Whoever as minor has lost his Hungarian citizenship through the discharge or absence of his legitimate father, can, after the death of his father, or after he has attained his majority in accordance with the laws of his new fatherland, and after he in both cases received in the union of a community of the territory of the provinces of the Hungarian Crown, respectively, this reception has been placed in view, be received among Hungarian citizens on the base of his application to which, when he is minor, the consent of his guardian is requisite.

Sect. 43. The petition for renewed reception in the State-union is in the cases of Sections 38, 39, 40, 41, 42, to be presented to the authority indicated in Section 9, to whose territory that community belongs, in whose union the party is received, or respectively, this reception is placed in view.

Sect. 44. To the reacquisition of citizenship that provision of Section 15 does not extend that the party can become a member of the legislature only after a lapse of ten years, excepting when Hungarian citizenship is acquired by naturalization, and ten years have not elapsed since acquisition of the same.

Sect. 45. FINAL ENACTMENTS. — The municipalities, respectively, in the military frontier, the district bureaus, and the town magistrates, are obliged to keep separate registers in two copies each in regard to conferring of citizenship, and in regard to discharge from the State-union.

I. The titles of the registers to be kept in respect to grants of citizenship are: —

1. The current number on the first day of the beginning year.

2. Name, age, occupation of the party received in the State-union, respectively, again received.

3. The former fatherland and the community to which the party received belongs.

4. Name and age of the members of the family to whom the reception in the State-union extends.

5. Date and number of the documents in regard to the reception into the State-union.

6. Annotation, in which is to be indicated in regard to the parties again received in what manner they lost their former citizenship.

II. The register to be kept in regard to discharges is to be provided with similar titles, with the difference that in the 6th title it is to be made clear whereby the party discharged from the State-union has acquired Hungarian citizenship. A copy of these registers is to be submitted to the authority named in Sections 11 and 21.

Sect. 46. In addition to the normal dues to be paid for the conferring of the right of citizenship and emigration, no due or tax is to be paid for the reception among Hungarian citizens, and for the discharge from the Hungarian State-union.

Sect. 47. Exceptions from this law are admissible to those States with which treaties on this subject have been concluded, so far as such treaties contain provisions at variance with the present law.

Sect. 48. All laws and ordinances contradictory to the present law are abolished. Through the present law the right of citizenship of those persons is not effected who acquired the reception up to the coming in force of this law.

Those persons are also to be considered as Hungarian citizens who have lived in the territory of the provinces of the Hungarian Crown up to the day of the coming in force of this law at least five years without interruption, even when in various places, and are received in a native community in the list of tax-payers, when they do not prove within one year, reckoned from the coming in force of this law, before that jurisdiction respectively in the military frontier, before that district bureau or town magistrate in whose territory, respectively, whose district their last place of residence is, that they have retained their foreign citizenship.

The ten years fixed for the time of absence in Section 31 are in regard to those who, before the coming in force of the present law, departed from the territory of the provinces of the Hungarian Crown, to be reckoned from the day of the coming in force of the present law.

Sect. 49. The special enactments in respect to the Croatian-Slavonic military frontier, and to the provincial authorities of the military frontier contained in the present law are only provisional, and their operation lasts only until the military frontier is united also in an administrative way with Croatia-Slavonia.

Sect. 50. The ministry, respectively, the minister of the interior, the Banus of Croatia-Slavonia-Dalmatia, and the provincial authorities of the military frontier are charged with the execution of this law.

KINGDOM OF BELGIUM.

LAW CONCERNING NATIONALITY.

Articles of Constitution of 1831.

The nationality of Belgium is acquired, preserved, and lost, according to the Code Civil. Naturalization is accorded by the legislative power.

Aliens established in Belgium prior to Jan. 1, 1814, and who have continued their residence, are considered to be citizens by birth, on condition that they declare their intention to take advantage of this provision.

The declaration must be made within six months from the date of this Constitution, if of age; if not, then within one year after completion of their majority, and must be made by the applicant in person.

Law on Nationality of Sept. 22, 1835.

1. Are Belgians by birth, and have all civil and political rights.

a. Every individual born in Belgium, who, having been without authority in a foreign service, and having returned to Belgium prior to Jan. 1, 1833, or who has contended for the cause of the revolution, or who has entered the national army, or who has been admitted to a civil employment, or who has since said date continued to reside in Belgium.

6. The inhabitants of the provinces of the ancient kingdom of the lower provinces, who are domiciled, or who came to reside in Belgium prior to Feb. 7, 1831, and have continued to reside here since said date.

2. The individuals to whom the foregoing article is applicable must declare it to be their intention to enjoy the benefits of the present law.

This declaration must be made within six months from the promulgation of the present law, and before the authorities nominated to receive declarations by the Constitution.

3. All individuals, born in Belgium, designated under Article 1, who have returned to Belgium with authority of the King, and have already made declaration, are excepted from Article 1.

4. All individuals, born Belgians, and who remained after Aug. 1, 1831, in the service of a foreign power at war with Belgium, are excepted from Article 1.

Law of Sept. 27, 1835, on Naturalization.

1. Naturalization confers on an alien all civil and political rights which attach to a Belgian subject except in such cases where the Constitution provided for a *grande* naturalization.

2. *Grande* naturalization cannot be accorded except for eminent services rendered to the State. The Belgian who has lost the quality of Belgian by terms of Article 21 of Code Civil, can receive the *grande* naturalization on evidence that he has rendered eminent service to the State.

3. The *grande* naturalization is conferred by special disposition. The admission of many aliens at one

time to naturalization and Belgian nationality can be by one single disposition.

4. Naturalization of the father assures to the minor children the faculty to enjoy the same advantage, provided they declare during the year of majority before the communal authorities of the place of their residence that it is their intention to enjoy the benefits of Belgian nationality. If the children and descendants are of age, they can, in case where their father has obtained the grande naturalization, obtain the same favor for eminent services rendered the State by their father.

5. Naturalization ordinary, except in the case noted under Article 4, is accorded to those who have completed their majority of twenty-one years, and have resided in Belgium for five years.

6. No one is admitted to naturalization unless he has made formal request therefor in writing. The request must be signed by the applicant, or by one authorized under special power given to him. In this case the special power is annexed to the application.

7. Each request and proposition of the government is referred to a commission, which presents to the legislature an analysis of the request and the annexes. On the report of this commission, the chamber decides without discussion, and by secret ballot on the request and proposition of the government.

8. Notice is served on the other chamber of its action. The request and annexes, with proposition of government, is sent to the other chamber for action. Action thereon is not final until the two chambers have concurred.

9. During the eight days which follow the royal sanction to the action of the two chambers, the Minister of Justice delivers to the applicant for naturalization a certificate of naturalization.

10. The applicant with the certificate of naturalization presents himself before the burgomeister of his place of residence, and makes declaration that he accepts the naturalization conferred on him. Immediately the declaration of acceptance is recorded.

11. The declaration of acceptance must be made under pain of loss of the naturalization within two months from the date of the royal sanction.

12. Within eight days the municipal authorities shall forward to the minister of justice a certificate of the act of acceptance of the naturalization by the applicant.

13. The act of naturalization shall be inserted in the official bulletin.

Law of April 1, 1879, having for its object to facilitate the acquisition of the quality of a Belgian by persons who are not familiar with the prescribed formalities.

1. The individual, born in Belgium of an alien, who has neglected to make the requisite declaration before the competent authority during the year following her majority, and who has made a declaration insufficient in form, will be admitted and allowed to make declaration to the same effect within one year from the promulgation of the present law.

2. Every individual can reacquire the quality of a Belgian within one year by compliance with the formalities prescribed by Article 1 of the law of June 4,

1839, who has neglected to make the required declaration.

3. Every inhabitant of the provinces of the ancient kingdom of the lower provinces can acquire the quality of a Belgian within one year by compliance with the formalities prescribed by the law of Sept. 22, 1835, who, residing in Belgium prior to Feb. 7, 1831, has since resided in Belgium, and who neglected to make the requisite declaration.

4. Those who become Belgians pursuant to the provisions of these articles cannot avail themselves of statutory advantages existing prior hereto.

Their children and their descendants of age of twenty-one years can be admitted to claim the quality of Belgians within one year, to be reckoned from the publication of the present law, by compliance with the formalities prescribed by the laws hereinbefore cited.

Their children and descendants, minors, can be admitted to claim the quality of Belgians by compliance with the formalities prescribed by the laws hereinbefore cited within one year following the attainment of their majority.

Law of Aug. 6, 1881.

ARTICLE 1. Naturalization ordinary confers on an alien all civil and political rights enjoyed by citizens of Belgium, except in cases of rights and privileges which are conferred by *grande* naturalization.

ART. 2. To obtain *grande* naturalization, (a) applicant must be twenty-one years of age.

(b) Married.

(c) Resided in Belgium at least ten years. In case of marriage to a Belgian woman, or in case of one or more children born of such marriage, the time may be reduced to five years' residence.

Grande naturalization cannot be accorded an alien unmarried, or a widower without children, unless he has reached the age of fifty years, and has resided in Belgium fifteen years.

Grande naturalization can be conferred without conditions for eminent services rendered the State.

Aliens resident in the kingdom, born in Belgium, who have neglected to comply with Article 9 or the Code Civil, can receive the *grande* naturalization without a compliance with the conditions prescribed under *a*, *b*, and *c* of this Article.

ART. 3. Naturalization *ordinary*, except as provided in Article 4, is not accorded, except to those who have completed the twenty-first year, and have resided five years in Belgium.

ART. 4. Naturalization of the father extends to the minor children the faculty to enjoy the same advantages, provided they declare during the year in which they reach majority before the communal authorities of the locality where they have their domicile or residence conformably to Article 8, that it is their intention to enjoy these benefits.

The children and major descendants of one who has obtained naturalization can enjoy the same benefits without subjection to the requirements of Article 2 and 8 of the present law.

If the father is dead, the naturalization of the mother assures to the children or descendants the advantages named in the present article.

ART. 5. No person can acquire naturalization unless he makes application in writing. The application must be signed by the applicant, or his duly authorized agent, in which case the authority must be annexed to the application.

ART. 6. Every application for naturalization, and every proposition of the government having the same purpose in view, will be sent by such chamber to a commission, who will examine the application and the papers annexed thereto.

On the report of the commission, each chamber will decide without discussion if it is proper to take it into consideration. If the demand is taken into consideration, public discussion and vote follows.

ART. 7. During the seven days which follow the royal sanction admitting the application, the Minister of Justice delivers to the applicant a certificate in conformity with the Act of Naturalization.

ART. 8. The applicant presents himself before the burgomeister of the locality of his domicile or residence, and declares that he accepts the naturalization conferred upon him.

Entry is made of this declaration in a register kept for that purpose.

ART. 9. The declaration prescribed by the preceding article will be made under penalty of loss of same during the two months following the royal sanction.

ART. 10. The communal authority will send to the Ministry of Justice within eight days a card duly certified of the act of acceptance.

ART. 11. The act of naturalization will not be published until this has been received.

ART. 12. The law of Sept. 27, 1835, is abrogated, with the exception of Articles 14, 15, and 16.

REPUBLIC OF BOLIVIA.

ARTICLE 32. Are citizens of Bolivia:—

2. Foreigners, who, having resided one year in the republic, declare before the municipality of the locality in which they reside, their intentions to become citizens.

3. Foreigners, who, by concessions, obtain a letter of naturalization from the Chamber of Deputies.

NATIONALITY IN BRAZIL.

ARTICLE 69 OF THE CONSTITUTION OF THE UNITED STATES OF BRAZIL, DATED FEBRUARY 24, 1891.

[Translation.]

TITLE IV.—OF BRAZILIAN CITIZENS.

SECTION 1. Of the qualifications of Brazilian citizenship.

ARTICLE 69. The following are Brazilian citizens:—

1. Persons born in Brazil, even of a foreign father, if the latter be not residing in Brazil, in the service of his country.

2. Children of a Brazilian father, and illegitimate children of a Brazilian mother, born in a foreign country, if they have established their domicile in the Republic.

3. Children of a Brazilian father who is in the service of the Republic in a foreign country, even if they do not come and reside in the Republic.

4. Foreigners who, having been in Brazil on the 15th November, 1889, shall not have declared, within six months after the Constitution comes into force, their intention to retain their original nationality.

5. Foreigners who possess real property in Brazil, and who have married Brazilian women, or have Brazilian children, so long as they reside in Brazil, unless they announce their intention of not changing their nationality.

6. Foreigners otherwise naturalized.

DECREE, Dec. 14, 1889. — Regulating naturalization of foreigners residing in the Republic.

The Provisional Government of the United States of Brazil, established by the Army and Navy in the name of the Nation.

Whereas the never-to-be-forgotten event of Nov. 15, 1889, signaling the glorious advent of the Brazilian Republic, firmly fixes the principles of equality and fraternity, inherent rights of an educated people, and believing that further strenuous efforts should be made in the interest of progress and the civilization of mankind,

Be it enacted that: —

ARTICLE 1. All foreigners having resided two years in Brazil, on the 15th day of November, 1889, shall be considered Brazilian citizens, unless they shall make declaration to the contrary before their respective municipality, within six months after the publication of this decree.

ART. 2. All foreigners who have been residents of the country two years, reckoning from the date of this decree, shall be considered Brazilian citizens, except those who may exclude themselves from the privilege by means of the declaration as per Article 1.

ART. 3. Foreigners naturalized as per this decree, shall enjoy all the civil and political rights of a native-born citizen, and shall be eligible to any public office except that of chief magistrate.

ART. 4. The declaration referred to in Articles Nos. 1 and 2 shall be made before the Secretary of the municipality or corporation provisionally substituted, and said declaration shall be signed by the person making it, and by the Secretary or representative of the above-mentioned corporation, in a book especially designed for that purpose.

ART. 5. All conflicting decrees are hereby revoked.

Chamber of Sessions of the Provisional Government.
Dec. 14, 1889. First year of the Republic.

MANOEL DEODORO DA FONSECA.
ARISTIDES DE SILVERIA LOBO.

DOMINION OF CANADA.

AN ACT RESPECTING NATURALIZATION AND ALIENS.

(Assented to 21st March, 1881.)

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: —

INTERPRETATION CLAUSE.

1. In this Act, — if not inconsistent with the context or subject-matter thereof, —

“Disability” means the status of being an infant, lunatic, idiot, or married woman.

“Officer in the Diplomatic Service of Her Majesty” means any Ambassador, Minister, or Chargé d’Affaires, or Secretary of Legation, or any person appointed by such Ambassador, Chargé d’Affaires, or Secretary of Legation, to execute any duties imposed by the Naturalization Act, 1870 (Imperial), on an officer in the Diplomatic Service of Her Majesty.

“Officer in the Consular Service of Her Majesty” means and includes Consul-General, Consul, Vice-Consul, and Consular-Agent, and any person for the time being discharging the duties of Consul-General, Consul, Vice-Consul, or Consular Agent.

“Oath” includes affirmation, in the case of a person allowed by law to affirm in judicial cases.

“County” includes a union of counties and a judicial district or other judicial division.

“Alien” includes a statutory alien.

“Subject” includes a citizen when the foreign country referred to is a republic.

2. This Act shall not come into force until on, from, and after a day to be appointed in that behalf by proclamation of the Governor published in the “Canada Gazette.”

3. This Act may be cited for all purposes as “The Naturalization Act, Canada, 1881.”

STATUS OF ALIENS IN CANADA.

4. Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject; Provided:—

5. Where Her Majesty has entered into a convention with any foreign State to the effect that the subjects of that State who have been naturalized as British subjects may divest themselves of their status as British subjects, and where Her Majesty, by Order in Council, passed under the third section of the Naturalization Act, 1870 (Imperial), has declared that such convention has been entered into by Her Majesty, — then, from and after the date of such Order in Council, any person being originally a subject of the State referred to in such Order, who has been naturalized as a British subject within Canada, may, within such limit of time as may be provided in the convention, make a declaration of alienage, and from and after the date of his so making such declaration, such person shall, within Canada, be regarded as an alien, and as a subject of the State to which he originally belonged as aforesaid.

6. A declaration of alienage may be made as follows: If the declarant be in the United Kingdom, in the presence of any justice of the peace; if elsewhere in Her Majesty's dominions, in the presence of any judge of any court of civil or criminal jurisdiction, or of any justice

of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose : if out of Her Majesty's dominions, in the presence of any officer in the diplomatic or consular service of Her Majesty.

7. Any person who by reason of his having been born within the dominions of Her Majesty is a natural-born subject, but who also at the time of his birth became, under the law of any foreign State, a subject of such State, and is still such subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration of alienage such person shall within Canada cease to be a British subject. Any person who is born out of Her Majesty's dominions of a father being a British subject may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall within Canada cease to be a British subject.

8. From and after the coming into force of this Act, an alien shall not be entitled to be tried by a jury *de medietate linguæ*, but shall be triable in the same manner as if he were a natural-born subject.

EXPATRIATION. (f)

9. Any British subject who has, at any time before, or may at any time after the coming into force of this Act, when in any foreign State and not under any disability, voluntarily (g) become naturalized in such State, shall, from and after the time of his so having become naturalized in such foreign State, be deemed within

Canada to have ceased to be a British subject, and be regarded as an alien; Provided:—

(1) That where any British subject has before the coming into force of this Act voluntarily become naturalized in a foreign State and yet is desirous of remaining a British subject within Canada, he may, at any time within two years (*h*) after the coming into force of this Act, make a declaration that he is desirous of remaining a British subject, and upon such declaration (hereinafter referred to as a declaration of British nationality) being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject within Canada, with this qualification, that he shall not, when within the limits of the foreign State in which he has been naturalized, be deemed within Canada to be a British subject, unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

(2) A declaration of British nationality may be made, and the oath of allegiance be taken, as follows: If the declarant be in the United Kingdom, in the presence of a justice of the peace; if elsewhere in Her Majesty's dominions, in the presence of any judge of any court of civil or criminal jurisdiction, or of any justice of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in the presence of any officer in the diplomatic or consular service of Her Majesty.

NATURALIZATION AND RESUMPTION OF BRITISH
NATIONALITY.

10. An alien who, within such limited time before taking the oaths or affirmations of residence and allegiance and procuring the same to be filed of record as hereinafter prescribed, as may be allowed by order or regulation of the Governor in Council, has resided in Canada for a term of not less than three years, or has been in the service of the Government of Canada, or of the Government of any of the Provinces of Canada, or of two or more of such governments, for a term of not less than three years, and intends, when naturalized, either to reside in Canada, or to serve under the government of Canada or the government of one of the Provinces of Canada, or two or more of such governments, may take and subscribe the oaths of residence and allegiance or of service and allegiance in form A in the schedule hereto or to the like effect, and apply for a certificate in the form B in said schedule.

11. Every such oath shall be taken and subscribed by such alien, and may be administered to him by any of the following persons, viz.: a judge of a court of record in Canada, a commissioner authorized to administer oaths in any court of record in Canada, a commissioner authorized by the Governor-General to take oaths under this Act, a justice of the peace of the county or district where the alien resides, a notary public, a stipendiary magistrate, a police magistrate.

12. The alien shall adduce in support of his application such evidence of his residence or service, and intention to reside or serve, as the person before whom he

takes the oaths aforesaid may require; and such person, on being satisfied with such evidence, and that the alien is of good character, shall grant to such alien a certificate in the form B in the schedule hereto or to the like effect.

13. Such certificate shall be presented:—

In Ontario, to the Court of General Sessions of the Peace of the county within the jurisdiction of which the alien resides, or to the Court of Assize or Nisi Prius during its sitting in such county;

In Quebec, to the Circuit Court in and for the circuit within the jurisdiction of which the alien resides;

In Nova Scotia, to the Supreme Court or to the Circuit Court during its sittings in the county within the jurisdiction of which the alien resides, or to the County Court of such county;

In New Brunswick, to the Supreme Court or the Court of Assize or Nisi Prius during its sitting in the county within the jurisdiction of which the alien resides, or to the County Court of such county;

In British Columbia, to the Supreme Court during its sittings in the electoral district within the jurisdiction of which the alien resides, or to the Court of Assize or Nisi Prius during its sittings in such electoral district, or to the County Court of such electoral district;

In Manitoba, to the Court of Queen's Bench during its sittings in the county within the jurisdiction of which the alien resides, or to the Court of Assize or Nisi Prius during its sittings in such county, or to the County Court of such county;

In Prince Edward Island, to the Supreme Court during its sittings in the county within which the alien resides,

or to the Court of Assize or Nisi Prius during its sittings in such county, or to the County Court of such county, —

In open court, on the first day of some general sitting of such court; and thereupon such court shall cause the same to be openly read in court, and if, during such sitting the facts mentioned in such certificate are not controverted, or any other valid objection made to the naturalization of such alien, such court, on the last day of such sitting, shall direct that such certificate be filed of record in the court.

14. In the North-West Territories and in the District of Keewatin, such certificate shall be presented to such authorities or persons as may be provided by order or regulation of the Governor-General in Council, and thereupon such authority or person shall take such proceedings with respect to such certificate, and shall cause the same to be filed of record in such way as may be provided by such order or regulation.

15. The alien shall, after the filing of such certificate, be entitled, under the seal of the court if such certificate has been presented to a court, to a certificate of naturalization in the form C in the schedule hereto annexed or to the like effect; and if the certificate has been presented to an authority or person, as provided by order or regulation of the Governor-General in Council, the alien shall be entitled to receive from such authority or person a certificate of naturalization authenticated as may be provided by such order or regulation.

16. The certificate granted to an alien who applies for naturalization on account of service under the Government as provided by the tenth section hereof, shall be filed of record in the office of Her Majesty's Secretary of

State for Canada; and thereupon the Governor-General in Council may authorize the issue of a certificate of naturalization to such alien in the form D in the schedule hereto or to the like effect.

17. An alien to whom a certificate of naturalization is granted shall, within Canada, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject within Canada, with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty or convention to that effect.

18. A special certificate of naturalization may, in manner aforesaid, be granted to any person with respect to whose nationality as a British subject a doubt exists, and such certificate may specify that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be deemed a British subject; and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject. Such special certificate may be in the form E in the schedule hereto annexed or to the like effect.

19. An alien who has been naturalized previously to the coming into force of this Act may apply for a certificate of naturalization under this Act, and such certificate may be granted to such naturalized alien upon the same terms and subject to the same conditions upon which such certificate might have been granted if such alien had not been previously naturalized.

20. A natural-born British subject who has become an alien in pursuance of this Act or of any Act or law in that behalf, and is, in this Act, referred to as a "statutory alien," may, upon the same terms and subject to the same conditions as are required in the case of an alien applying for a certificate of naturalization, apply to the proper court or authority or person in that behalf for a certificate, hereinafter referred to as a "certificate of re-admission to British nationality," re-admitting him to the status of a British subject within Canada. Such certificate may be in the form F in the schedule hereto annexed or to the like effect.

21. A copy of the certificate of naturalization may be registered in the Land Registry Office of any county or district or registration division within Canada, and a copy of such registry, certified by the registrar or other proper person in that behalf, shall be sufficient evidence of the naturalization of the person mentioned therein, in all courts and places whatsoever.

22. The clerk of the court by which the certificate of naturalization is issued shall, for all services and filings in connection with such certificate, be entitled to receive from such person the sum of twenty-five cents, and no more; and no further or other fee shall be payable for or in respect of such certificate. The registrar shall, for recording a certificate of naturalization, be entitled to receive from the person producing the same for registry, the sum of fifty cents, and a further sum of twenty-five cents for every search and certified copy of the same, and no more.

23. A statutory alien to whom a certificate of re-admission to British nationality within Canada has been

granted shall, from the date of the certificate of re-admission, but not in respect of any previous transaction, resume his position as a British subject within Canada, — with this qualification, that, within the limits of the foreign State of which he became a subject, he shall not be deemed to be a British subject within Canada, unless he has ceased to be a subject of that foreign State according to the laws thereof, or in pursuance of a treaty or convention to that effect.

24. Where any foreign State has, before or after the coming in force of this Act, entered into a convention with Her Majesty, to the effect that the subjects of that State who have been naturalized as British subjects may divest themselves of their status as subjects of such foreign State, and where such convention or the laws of such foreign State require a residence in Canada of more than three years, or a service under the Government of Canada, or of any of the Provinces of Canada, or of two or more of such Provinces, of more than three years, as a condition precedent to such subjects divesting themselves of their status as such foreign subjects, — an alien being a subject of such foreign State, who desires to divest himself of his status as such subject, may, if at the time of taking the oath of residence or service he has resided or served the length of time required by such convention, or by the laws of the foreign State, instead of taking the oath showing three years' residence or service, take an oath showing residence or service for the length of time required by such convention or by the laws of the foreign State; and the certificate to be granted to the alien, under the twelfth section hereof, shall state the period of residence or service sworn to.

The certificate of naturalization shall likewise state the period of residence or service sworn to, and the statement in such certificate of naturalization shall be sufficient evidence of such residence or service in all courts and places whatsoever.

25. An alien who, either before or after the coming into force of this Act, has, whether under this Act or otherwise, become entitled to the privileges of British birth in Canada, and who is a subject of a foreign State with which a convention to the effect above mentioned has been entered into by Her Majesty, and who desires to divest himself of his status as such subject, and who has resided or served the length of time required by such convention or by the laws of the foreign State, may take the oath of residence or service showing residence or service for the length of time required by such convention or by the laws of the foreign State, and apply for a certificate (or a second certificate, as the case may be) of naturalization under this Act.

NATIONAL STATUS OF MARRIED WOMEN AND INFANT CHILDREN.

26. A married woman shall, within Canada, be deemed to be a subject of the State of which her husband is, for the time being, a subject.

27. A widow, being a natural-born British subject, who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may, as such, at any time during widowhood, obtain a certificate of re-admission to British nationality, within Canada, in manner provided by this Act.

28. Where the father being a British subject, or the

mother being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother, who, during infancy, has become resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall, within Canada, be deemed to be a subject of the State of which the father or mother has become a subject, and not a British subject.

29. Where the father, or the mother being a widow, has obtained a certificate of re-admission to British nationality within Canada, every child of such father or mother, who, during infancy, has become resident within Canada with such father or mother, shall be deemed to have resumed the position of a British subject within Canada to all intents.

30. Where the father, or the mother being a widow, has obtained a certificate of naturalization within Canada, every child of such father or mother, who, during infancy, has become resident with such father or mother within Canada, shall, within Canada, be deemed to be a naturalized British subject.

31. Nothing in this Act contained shall deprive any married woman of any estate or interest in real or personal property to which she may have become entitled previously to the coming into force of this Act, or affect such estate or interest to her prejudice.

32. The Governor-General in Council may by regulation provide for the following matters:—

(1) The form and registration of declarations of British nationality;

(2) The form and registration of certificates of naturalization in Canada;

(3) The form and registration of certificates of re-admission to the British nationality within Canada ;

(4) The form and registration of declarations of alienage ;

(5) The transmission to Canada for the purpose of registration or safe keeping, or of being produced as evidence, of any declarations or certificates made in pursuance of this Act out of Canada, or of any copies of such declarations or certificates, also of copies of entries contained in any register kept out of Canada, in pursuance of or for the purpose of carrying into effect the provisions of this Act ;

(6) With the consent of the Treasury Board, the imposition and application of fees in respect of any registration authorized to be made by this Act, and in respect of the making any declaration or the grant of any certificate authorized to be made or granted by this Act ;

(7) The persons by whom the oaths may be administered under this Act ;

(8) Whether or not such oaths are to be subscribed as well as taken, and the form in which such taking and subscription are to be attested ;

(9) The registration of such oaths ;

(10) The persons by whom certified copies of such oaths may be given ;

(11) The transmission to Canada for the purpose of registration or safe keeping, or of being produced as evidence, of any oaths taken in pursuance of this Act out of Canada, or of any copies of such oaths, also of copies of entries of such oaths contained in any register kept out of Canada in pursuance of this Act ;

(12) The proof, in any legal proceeding, of such oaths;

(13) With the consent of the Treasury Board, the imposition and application of fees in respect of the administration or registration of any such oath.

The Governor-General in Council, by a further regulation, may repeal, alter, or add to any regulation previously made by him in pursuance of this section. Any regulation made by the Governor-General in Council in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if it had been enacted in this Act.

33. Any declaration authorized to be made under this Act may be proved in any legal proceeding by the production of the original declaration, or of any copy thereof, certified to be a true copy by the clerk, or acting clerk, of the Queen's Privy Council for Canada, or by any person authorized by regulations of the Governor-General in Council to give certified copies of such declaration; and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned.

34. A certificate of naturalization, or of re-admission to British nationality, may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by the clerk or acting clerk of the Queen's Privy Council for Canada, or by any person authorized by regulations of the Governor-General in Council to give certified copies of such certificate; and the statement of the period of residence or service in a certificate of naturalization

shall be sufficient evidence of such residence or service in all courts and places whatsoever.

35. Entries in any register authorized to be made in pursuance of this Act may be proved by such copies and certified in such manner as may be directed by regulation of the Governor in Council, by the clerk or acting clerk of the Queen's Privy Council for Canada, or by the Secretary of State; and the copies of such entries shall be evidence of any matters by this Act or by any regulation of the Governor in Council authorized to be inserted in the register.

36. Any Act passed during the present session touching documentary evidence shall apply to any regulation made by the Governor-General in Council, in pursuance of or for the purpose of carrying into effect any of the provisions of this Act.

MISCELLANEOUS.

37. Where any British subject has, in pursuance of this Act, become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien.

38. Each and every person who, being by birth an alien, had, on or before the coming into force of this Act, become entitled to the privileges of British birth, within any part of Canada, by virtue of any general or special Act of Naturalization in force in such part of Canada, shall hereafter be entitled to all the privileges by this Act conferred on persons naturalized under this Act.

39. Nothing in this Act contained shall repeal or in any manner affect the Act of the Legislature of Upper

Canada passed in the fifty-fourth year of the reign of His late Majesty, King George the Third, intituled "An Act to declare certain persons therein described aliens, and to vest their estates in His Majesty," or any proceedings had under the said Act.

40. Nor shall anything in this Act contained repeal, or in any manner affect the Act of the Legislature of the late Province of Canada, passed in the session held in the fourth and fifth years of Her Majesty's reign, chapter seven, intituled "An Act to secure to and confer upon certain inhabitants of this Province the civil and political rights of natural-born British subjects," or the first, second, or third section of the Act of the said Legislature, passed in the twelfth year of Her Majesty's reign, chapter one hundred and ninety-seven, intituled "An Act to repeal a certain Act therein mentioned, and to make better provision for the naturalization of aliens," — or impair or affect the naturalization of any person naturalized under the said Acts, or either of them, or any rights acquired by such person or by any party by virtue of such naturalization, all which shall remain valid and be possessed and enjoyed by such person or party respectively.

41. Every person who, being by birth an alien, did, prior to the first day of January, 1868, take the oaths of residence and allegiance required by the naturalization laws then in force in that one of the Provinces now forming the Dominion of Canada, in which he then resided, shall, within Canada, be admitted to all the rights and privileges of a natural-born British subject conferred upon naturalized persons by this Act; and the certificate of the judge, magistrate, or other person

before whom such oaths were taken and subscribed, shall be evidence of his having taken them; or he may take and subscribe the oath in form G in the schedule hereto before some judge, justice, or person authorized to administer the oaths of residence and allegiance under this Act, in the county or district in which he resides.

42. All aliens who had their settled place of abode in either of the late Provinces of Upper Canada or Lower Canada or Canada, or in Nova Scotia or New Brunswick, on or before the first day of July, A. D. 1867, or in Rupert's Land or the North-West Territories on or before the fifteenth day of July, A. D. 1870, or in British Columbia on or before the 20th day of July, A. D. 1871, or in Prince Edward Island on or before the first day of July, A. D. 1878, and who are still residents in Canada, shall be deemed, adjudged, and taken to be, and to have been entitled to all the privileges of British birth within Canada as if they had been natural-born subjects of Her Majesty, subject to the following provision, that is to say: That no such person (being a male) shall be entitled to the benefit of this Act, unless nor until he shall take the oaths of allegiance and residence in the form prescribed by this Act, before some Justice of the Peace or other person authorized to administer oaths under this Act.

43. The oaths taken under the last preceding section shall be filed of record,—if the person making them resides in the Province of Ontario, with the Clerk of the Peace of the county in which he resides; if he resides in the Province of Quebec, with the Clerk of the Circuit Court of the circuit within which he resides;

if he resides in Nova Scotia, with the Clerk of the Supreme Court; and if he resides in New Brunswick, with the Clerk of the Supreme Court; if he resides in British Columbia or Prince Edward Island, with the Clerk of the Supreme Court; if he resides in Manitoba, with the Clerk of the Court of Queen's Bench, or with the Clerk of the County Court of the county in which he resides; if he resides in the North-West Territories or in the District of Keewatin, with such person or authority as may be provided by order or regulation of the Governor-General in Council; and upon its being so filed, the person making it shall be entitled to the benefit of this Act and of the privileges of British birth within Canada, and shall also, upon payment of a fee of twenty-five cents, be entitled to a certificate from the person with whom the oaths have been filed, in the form H of the schedule hereto, or to the like effect; and the production of such certificate shall be *prima facie* evidence of his naturalization under this Act, and that he is entitled to and enjoys all the rights and privileges of a British subject.

44. The Governor in Council may appoint, from time to time, Commissioners to take and administer oaths under this Act.

PENALTY FOR FALSE SWEARING.

45. Any person wilfully swearing falsely, or making any false affirmation under this Act, shall be deemed guilty of wilful and corrupt perjury, and shall, on conviction, in addition to any other punishment authorized by law, forfeit all the privileges or advantages which he or she would otherwise, by making such oath or affirma-

tion, have been entitled to under this Act ; but the rights of others in respect to estates derived from or held under him or her, shall not thereby be prejudiced, excepting always such others as shall have been cognizant of the perjury at the time the title by which they claim to hold under him or her was created.

46. After the coming into force of this Act, no alien shall be naturalized within Canada, except under the provisions of this Act.

CONSTITUTION POLITICAL OF THE REPUBLIC
OF CHILI, 1879. CAPITAL 3. CHILIANS.

ARTICLE 5. Are Chilians: —

1. Those born in the Republic of Chili.
2. Those children of father or mother Chilians born in a foreign country.
3. Those foreigners who have resided one year in the Republic, and declare before the municipality of the territory in which they reside their wish to become Chilians, and receive a card of citizenship.
4. Those who are granted special naturalization from Congress.

ARTICLE 6. Those individuals not born in Chili, who declare their wishes to become Chilians before the municipality of the territory in which they reside, upon favorable report from the authorities to the President of the Republic, shall receive from the President a certificate of naturalization.

ARTICLE 7. Those are active Chilians with rights of suffrage who have completed twenty-one years, who can read and write and are inscribed in the electoral registers of the departments in which they reside.

ARTICLE 8. Those Chilians suspend rights of suffrage for reason of : —

1. Physical or mental incapacity.
2. Condition of servile domestic.
3. Punishment involving moral turpitude.

ARTICLE 9. Those Chilians lose citizenship : —

1. Who are condemned to penal servitude.
2. Who are naturalized in a foreign country.
3. Who are admitted into the service employment or are pensioned by a foreign government without special permission of Congress.

Those who for any one of these causes lose citizenship may reacquire the same by permission of the Senate.

AMENDMENT.

ARTICLE 5 (6). Are citizens of Chili : —

3. Foreigners who, having resided one year in the Republic, declare before the municipality of the territory in which they reside their intention to become citizens of Chili and solicit a letter of citizenship.

4. Those who are naturalized by special Act of Congress.

ART. 6 (7). The Municipality of the Department of residence of persons not born in Chili may declare whether or no they are qualified to acquire naturalization according to third clause of preceding article. In case of a favorable declaration from the corresponding municipality, the President of the Republic will issue the corresponding letter of naturalization.

COLOMBIA.

CONSTITUTION OF 1888.

I.

THE following persons are declared to be Colombians:—

1. *By Birth.*—Those who are natives of Colombia under either of the following conditions: that the father or the mother was a native Colombian, or that being the children of foreigners they are domiciled in the Republic. The legitimate children of a Colombian father and mother who were born in a foreign country and shall have afterwards fixed their domicile in the Republic are considered Colombian by birth for the purposes indicated in the laws that determine this condition.

2. *By Origin or Vicinity.*—Those who are born in foreign countries of a Colombian father or mother and are domiciled in the Republic; and all Spanish Americans who may have appeared before the municipal authorities of the place in which they reside and register themselves as Colombians.

3. *By Adoption.*—Those foreigners who apply for and obtain letters of naturalization.

II.

The status of the Colombian citizen is forfeited by his obtaining letters of naturalization in a foreign country, fixing therein his domicile, and he may recover it under laws enacted for that purpose.

III.

Any Colombian, although he may have lost his citizenship, who may be taken in arms against Colombia, shall be tried and punished as a traitor.

Naturalized foreigners and those residing in Colombia shall not be compelled to bear arms against the country of their birth.

LAW OF APRIL 11, 1843, ON NATURALIZATION OF ALIENS.

1. The executive authorities can accord letters of naturalization to an alien who makes request therefor.

2. The naturalization of the father carries with it the naturalization of the wife and minor children.

3. The request for naturalization is made to the executive in form of a memoir, in which the petitioner indicates the country of birth and the government to which he is subject; also the number, the names, the age, and the sex of the persons to be benefited by the naturalization. The memoir is addressed to the Secretary of the Interior of the province in which the petitioner resides.

4. The Secretary, as soon as he has received the letters of naturalization, signed by the executive, administers to the petitioner the oath to renounce all relations to other governments, to sustain and lend obedience to the Constitution of Colombia and the laws of the Republic.

COSTA RICA.

COSTA RICAN LAW ON CITIZENSHIP AND NATURALIZATION,
OF DECEMBER 20, 1886, AS AMENDED MAY 13, 1890.

SECTION 1. The following are declared to be native citizens of Costa Rica :—

1. The legitimate son or daughter of a Costa Rican father, whatever the locality may be in which he or she was born.

2. The illegitimate son or daughter of a Costa Rican mother, whatever the locality may be in which he or she was born.

3. The illegitimate son or daughter of a foreign mother, and Costa Rican father, if recognized by him.

4. The child born or found within the territory of the Republic, whose parents are not known, or are of unknown nationality.

5. The inhabitants of the Province of Guanacaste, who finally settled within its limits between the 9th of December, 1825, the date of the incorporation of that Province with the Republic of Costa Rica, and the 15th of April, 1858, the date of the treaty with Nicaragua.

6. The children of a foreign father, born within the national territory, who, after completing the age of 21 years, voluntary inscribe themselves in the Registry of citizens, or who, previous to their arrival at that age, were inscribed in the same Registry by their father, or, in default thereof, by their mother.

SECTION 2. Minor children of a Costa Rican father who lost his citizenship, may, on reaching the age of 21

years, be adjudged Costa Ricans, if they make a declaration to that effect before any diplomatic or consular officer of the Republic, if living abroad, or before the Secretary of Foreign Relations of the Republic, if living in the country.

If, besides residing in the Republic, they can prove that before reaching the age of majority they served some public office, or rendered service in the national army or navy, this circumstance, without any further formalities, shall be sufficient to clothe them with the Costa Rican citizenship.

This provision shall be applicable to the illegitimate children of a Costa Rican mother, and a foreign father, not recognized by the latter, if the mother has lost her nationality.

SECTION 3. The following are declared to be naturalized citizens of Costa Rica : —

1. Foreigners who have acquired, or may in the future acquire, the Costa Rican citizenship in the manner provided by law.

2. The Costa Ricans who have lost their national character but have recovered it.

3. The foreign wife of a Costa Rican husband. This citizenship acquired by marriage shall be preserved by the widow during the time of widowhood.

SECTION 4. The Costa Rican nationality shall be lost by the following : —

1. By the Costa Ricans who become naturalized in any foreign country.

2. By the Costa Ricans who accept public offices, or titles or decorations from a foreign government, without permission of the government of Costa Rica ; but nothing

of this provision shall be construed so as to prevent any one from accepting literary, scientific, or humanitarian titles, which can be accepted freely.

3. By entering without permission of the Costa Rican government the military service of any foreign nation, or enlisting in a foreign military body.

4. By the minor illegitimate son or daughter of a Costa Rican mother, at the very moment of his or her recognition by his or her foreign father, with the mother's consent.

5. By the Costa Rican woman who marries a foreigner. Her new nationality acquired by marriage shall remain vested in her even if she becomes a widow, for the whole period of widowhood. But if under the laws of the husband's country the nationality of her husband is not transmitted to her, then and in that case she will retain her Costa Rican citizenship.

SECTION 5. The Costa Rican nationality, once lost, can be recovered as follows: —

1. If the Costa Rican naturalized in a foreign country, residing outside the territory of the Republic, returns to it and makes a declaration before the Secretary of Foreign Relations that he or she wishes to settle in Costa Rica, and renounces his foreign nationality.

2. If the Costa Rican who finds himself in case No. 2 of the preceding section comes before the Secretary of Foreign Relations of Costa Rica, and makes a declaration renouncing the office, title, or decoration given him by a foreign government.

3. If the Costa Rican who finds himself in case No. 3 of the preceding section asks permission from the government to return to the territory of the Republic, and

actually returns to Costa Rica if the permission was granted, and fulfils all the requisites to which foreigners seeking for naturalization are subject.

4. If the Costa Rican who finds himself in case No. 4 of the preceding section comes, when reaching the age of 21 years, before the Secretary of Foreign Relations, and declares that he chooses to be a citizen of Costa Rica; or if his or her father inscribed him or her in the Registry of citizens during the age of minority.

5. In case No. 5 of the preceding section the widow of the foreign subject or citizen may recover her original citizenship by returning to Costa Rica, and declaring before the Secretary of Foreign Relations that she wishes to settle in the country, and that she renounces her foreign citizenship.

SECTION 6. Any change in the nationality of the husband, which may occur during the time of the marriage, shall be also effected in the nationality of the wife, if under the laws of the country whose nationality has been accepted by the husband the wife has to follow him, in so far as her national status and citizenship are concerned.

SECTION 7. The rule of law under which it is considered that for all purposes beneficial a son or daughter is considered to have been born, ever since the first moment of his or her conception, is applicable to all cases in which the Costa Rican citizenship is to be either acquired or retained.

SECTION 8. All foreigners can become naturalized in the Republic if they show by proper evidence: —

1. That the applicant is of full legal age under the laws of his country.

2. That the applicant has a profession, or an office, employment, or revenue, upon which he can live.

3. That the applicant has resided in the Republic at least during one year, and that his conduct has been good.

SECTION 9. No letters of naturalization shall be granted to citizens or subjects of a nation with which Costa Rica may then be at war, nor shall they be granted either to any one who somewhere else has been judicially adjudged a pirate, a slave-trader, an incendiary, a counterfeiter, — either of coins or of bank-notes, bonds, or other government securities, — a murderer, a kidnapper, or a thief.

Naturalization secured in fraud of the present law is absolutely void.

SECTION 10. Foreigners who wish to be naturalized shall appear, either personally or by an attorney especially authorized for that purpose, before the Secretary of Foreign Relations, and shall set forth his intention and his desire of becoming a Costa Rican citizen, and of renouncing his own nationality.

The applications to this effect shall be referred to the Governor of the Province or of the "Comarca" in which the applicant resides, with instructions to make an investigation, and examine at least three witnesses, upon all the points enumerated in Section 8 of the present law.

The record of this investigation shall be forwarded, as soon as it is completed, to the Secretary of Foreign Relations, and if it shows that no legal obstacle prevents the letters of naturalization from being granted by the government, they shall be granted; otherwise, they shall

be refused. The decision of the government, whether granting or refusing naturalization, shall be published in the official paper.

The provisions of this section are not applicable to those foreigners who become naturalized citizens of Costa Rica by operation of the law without any action on the part of the government. Nor are they applicable either to those entitled to, or authorized to choose the Costa Rican nationality, who need only to make the proper declaration before the diplomatic or the consular officers of the Republic in the country in which they may happen to be, or before the Secretary of Foreign Relations.

SECTION 11. The naturalization of a foreigner becomes without effect by the fact of his residence in the country of origin for two consecutive years, unless it is in fulfilment of an official mission of the government of Costa Rica, or with its permission.

SECTION 12. The change of nationality shall not have any retroactive effect.

SECTION 13. Naturalized citizens shall be entitled just as much as the native citizens to the protection of the government of the Republic. Nevertheless, if they return to their country of origin, they shall have to answer there for everything done by them previous to their naturalization in Costa Rica.

They shall have the same rights and privileges as the native Costa Ricans, as well as their duties and obligations; but they shall be disqualified to fill such places, or offices, or employments, as under the law required the incumbent to be a native-born citizen of Costa Rica.

SECTION 14. Foreigners shall enjoy the rights and

privileges enumerated in Article 12¹ of the Constitution, and besides all the others which have been, or may be in the future, agreed upon by treaty with a foreign nation.

SECTION 15. Foreigners shall be bound to contribute in the manner provided by law for all public expenses, and also to respect the laws and institutions of the country, and obey its authorities, and abide by the decisions of its tribunals, without having more remedies than those which the laws grant to the citizens. They shall only be allowed to have recourse to diplomatic action, in such form as established by international law in cases of denial of justice, or when the administration thereof is willingly delayed, and after all the ordinary remedies created by law have been exhausted.

SECTION 16. Foreigners shall not enjoy the political rights which belong to the citizens. Therefore, they shall not vote in any popular election, or be elected by popular vote, nor shall they serve any public office involving civil or political authority or jurisdiction. They have no right to form or join associations intended to take part in political matters in the Republic, and from this subject they must abstain and avoid all intervention, even if simply to exercise the right of petition.

SECTION 17. Foreigners are exempted from military service. But those who have acquired a domicile in the country shall be bound to do police service, if so it may

¹ Article 12 (of the Constitution). Foreigners enjoy every civil right; they can carry on business and manufacture, possess real estate, buy and sell, navigate the rivers and coasts, and, subject to the laws, may exercise freely their religious creeds, marry, and dispose of their property by will. They are not obliged to become naturalized citizens, nor to pay forced contributions.

be required to secure protection to property, and the preservation of peace and public order in the locality in which they are domiciled.

SECTION 18. Nothing in this law is to be construed as changing or amending anything stipulated with other nations, by international conventions on citizenship, naturalization, and the rights and duties of foreigners.

DENMARK.

LAW OF 1885.

According to an ancient law of the Kingdom with reference to naturalization, all inhabitants were held to be subjects of Denmark. Therefore an alien, domiciled in Denmark, was subject to the local laws, and enjoyed the privileges of a subject.

Beyond the privileges of a subject was the *inforðsret*, which conferred the right to fill public functions, and which belonged to those who were born of those indigenous to the soil or in the Kingdom, of alien parents, or to aliens on whom the rights have been legally conferred.

In Denmark the *animus commorandi* confers the quality of citizenship. At the end of two years' residence an alien cannot be expelled for a crime. At the end of two years an alien can demand aid, in case of need, from the authorities of the place in which he resides.

Aliens domiciled in Denmark can demand the application of the laws of the locality in which they reside, and obtain letters of citizenship for the locality in which

they reside, which gives to them the right to carry on commerce and exercise the privileges of municipal electors; at the same time the laws relating to military service are applicable to them, and on demand of the national government they must perform the duties.

The engagement of public functions, the rights and privileges of political electors in the Kingdom, belong exclusively to those indigenous to the soil. These privileges can be obtained by aliens pursuant to Article 547 of the Constitution of 1849, which enacts that only by special law voted by both Chambers of Parliament can these privileges be conferred on aliens.

REPUBLIC OF FRANCE.

LAW OF NATIONALITY OF JUNE 26, 1889.

ARTICLE 1. The Articles 7, 8, 9, 10, 12, 13, 17, 18, 19, 20, and 22 of the Civil Code are modified as follows: —

ART. 7. The exercise of civil rights is independent of the exercise of political rights, which are acquired in conformity to the constitutional and electoral laws.

ART. 8. All French citizens enjoy civil rights.

French citizens are: —

a. All individuals born of a French citizen in France or abroad; a natural-born child, whose filiation is established during minority by recognition or by a judgment, follows the nationality of the parent as to whom the proof is laid. If parentage is laid to the father by the proof, the child follows the nationality of the father.

b. All individuals born in France of parents unknown, and whose nationality is unknown.

c. All individuals born in France of aliens who were themselves born in France.

d. All individuals born in France of an alien who, at the date of majority, is domiciled in France, or, during the year following majority as established by the French law, have not declined the quality of a Frenchman, or proved that they will conserve the nationality of their parents by attestation in due form from their government, which is annexed to their declaration, and have not procured, when required, a certificate to the effect that they have presented themselves for military service pursuant to the military laws of their country, except in such cases as are provided for by treaty.

e. Aliens naturalized.

Can be naturalized:—

1. Aliens who have obtained authority to fix their domicile in France conformably to Article 13, following after three years' domicile in France, to date from registration of their demand with the Minister of Justice.

2. Aliens who can justify by proof of residence uninterrupted for ten years. . . . Sojourn abroad during this time in exercise of some government function is considered as residence in France.

3. Aliens admitted to establish their domicile in France after one year; in case they have rendered important services to France; in case they possess distinguished talents; in case they have introduced an industry, useful inventions; where they have established themselves by industrial establishments or otherwise, or distinguished themselves by agricultural exploitations, or where they have been attached by virtue of some title to the military service, whether in the French colonies or protectorates.

4. An alien who has married a French citizen after one year's domicile duly authorized.

ART. 9. Every individual born in France of an alien, and who is not domiciled in France at the age of his majority, can, upon the completion of the twenty-second year, make request to establish his domicile in France; and if he has so established himself within a year from the expression of the request, and can then reclaim French citizenship by a declaration which shall be registered with the Minister of Justice.

If he is not of the age of twenty-one years complete, the declaration shall be made in the name of his father; in case of the death of the father, then in the name of his mother; and in case of the death of both father and mother, or in case of emancipation, or in cases under Articles 141, 142, and 143 of the Civil Code, by the tutor authorized by deliberation of the head of the family.

Nevertheless he becomes French by taking part as a recruit without opposition to his alienage.

ART. 10. Every individual born in France or abroad of parents of whom the one has lost his or her quality of French citizen, can reclaim this quality at any age, on conditions set forth under Article 9, except when resident in France, and called on for military service, he has not reclaimed the quality of an alien.

ART. 12. An alien female who has married a French citizen follows the conditions of her husband; a female married to an alien who becomes naturalized French, and the children of age and naturalized, can, if she so demands, obtain the quality of a French citizen at any time, either by the decree which confers the quality of a

French citizen on the husband, or pursuant to the conditions set forth under Article 9.

Minor children become French citizens pursuant to the naturalization of the father or mother, in case, during the year following their majority, they do not decline the quality of a French citizen pursuant to Article 8, paragraph 4.

ART. 13. An alien who has been authorized by decree to establish his domicile in France can enjoy all civil rights. The effect of the authorization is lost at the expiration of five years if the alien does not demand naturalization, or if the demand is rejected.

In case of death before the naturalization, the naturalization inures to the benefit of the widow and children who were minors at the date of the authorization.

ART. 17. The quality of French citizen is lost: —

1. By naturalization abroad, or when demand is made for alien citizenship pursuant to the law. In case the French citizen is under military obligations for the active army, the naturalization abroad has no effect on his citizenship, except when authorized by the French government.

2. By declination of the quality of a French citizen as provided for in paragraph 4 of Article 8, and in Articles 12 and 18.

3. By the acceptance of public functions under a foreign government, and retention of the same after demand of the French government to surrender the same within a specified time.

4. By entering the military service of a foreign government without the authority of the French government, notwithstanding the penal articles which are to be

invoked against a French citizen who violates his military obligations.

ART. 18. A French citizen who has lost his quality of French citizen may recover the same upon return to France, and request that he be reintegrated by decree. The quality of a French citizen may be accorded by the same decree to his wife and children of majority, if they make the demand.

The minor children of the father or mother reintegrated become French citizens unless, during the year following majority, they decline the quality of French citizens, in conformity to the dispositions of Article 8, paragraph 4.

ART. 19. The French female who marries an alien follows the condition of her husband, unless by the law of the country of her husband she does not, in which case she remains French. In case her marriage is dissolved by death or divorce, she recovers her quality of French citizen by authorization of the government, in case she returns to France to make her domicile, or in case she declares it to be her intention to establish it in France.

In case the marriage is dissolved by death of the husband, the quality of French citizenship can be accorded by the same decree of reintegration to the minor children on the demand of the mother, or by an ulterior decree if the demand is made by the tutor with the approval of the head of the family.

ART. 20. Individuals who acquire the quality of French citizens can avail themselves only of such rights as exist at the time of the acquisition.

ART. 21. 1. The French citizen who, without au-

thority of his government, enters the military service of a foreign country, cannot enter France except by virtue of a permit accorded by a decree, nor reacquire the quality of a French citizen except by a fulfilment of the conditions imposed in France on an alien who seeks ordinary naturalization.

2. The present law is applicable to Algiers, the colonies of Guadeloupe, of Martinique, and of Reunion.

3. An alien naturalized enjoys all civil and political rights which attach to the quality of a French citizen. Nevertheless, he is not eligible to the legislative assemblies until ten years have elapsed from the date of naturalization. The delay can be reduced to one year.

Former French citizens who reacquire their former French citizenship acquire immediately all civil and political rights, including eligibility to the legislative assemblies.

4. The descendants of families proscribed by the Edict of Nantes continue to benefit by the dispositions of the law of December 15, 1790, but on condition that each applicant makes a separate demand. This decree has effect only in the future.

5. For execution of this law public rules will be made: 1. As to the conditions and their application in the colonies other than those already referred to under Section 2 preceding; also as to the forms to be followed in naturalization in the colonies; 2. The requisite formalities to be made relative to ordinary naturalization and naturalization *de faveur* in the cases referred to in Articles 9 and 10 of the Code Civil; also in reference to the renunciation of the quality of French citizens in the cases referred to in Article 8, paragraphs 4, 12, and 18.

6. Are abrogated the decrees of April 6, 1809, August 26, 1811, the laws of March 22, 1849, February 7, 1851, June 29, 1867, December 16, 1874, February 14, 1882, June 22, 1883, and all other dispositions contrary to the present law.

GERMANY.

LEGAL DISPOSITION CONCERNING NATIONALITY LAW OF JUNE 1, 1870, ON ACQUISITION AND LOSS OF NATIONALITY.

1. The nationality of the Empire is acquired by all persons who have nationality in any of the territories which form any part of the Empire.

2. Nationality in any of the territories or parts which form the Empire is acquired only :—

a, By descent; *b*, by marriage; *c*, by naturalization. Adoption has no influence on the nationality.

3. The legitimate children of a German follow the nationality of the father; illegitimate children, that of the mother: this rule applies at home and abroad.

4. When the father of a child born out of wedlock is a citizen of North Germany, and the mother is a citizen of some other part of the Empire, the child may acquire the nationality of the father by an act of recognition on the part of the father prescribed by law.

5. Marriage with a North German confers citizenship of North Germany on the wife.

6. Admission to citizenship by naturalization operates as an act of the highest administrative authorities.

7. Act of admission is accorded to every subject of a State of the Empire who requests it and who proves that he is established in the State where he demands that he should be naturalized, if no reasons prevent as laid down in Articles 2 to 5 of the laws affecting emigration from one State in the Empire to another State in the Empire passed Nov. 1, 1867.

8. Naturalization cannot be accorded in one State of the Empire to citizens of another State of the Empire : *a*, unless the applicant has shown his capacity to care for and support himself according to the laws of the State in which he formerly resided ; *b*, unless he has led an honorable life ; *c*, unless he has a proper place of abode, or has been received by persons domiciled in the State in which he seeks naturalization.

9. The act of naturalization, or the act of admission, is conferred by a nomination confirmed by the government of the State in which the naturalization is sought, after investigation of the representations made in the application on which the nomination is based.

10. The act of naturalization, as also the act of admission, confer, on the date of the delivery of the certificate, all the rights and impose all the duties attached to the nationality of the State.

11. The concession of the nationality extends to the wife and minor children who are at the time under the control of the father.

12. The establishment in itself of a domicile in any State of the Empire does not confer nationality.

13. The nationality of a State is lost : *a*, by departure on certificate of release ; *b*, by sojourn in another State of the Empire, or abroad, continued for ten years ; *c*, by

a citizen of North Germany by marriage with a citizen of another State of the Empire, or an alien.

14. Certificate of release is given by the administrative authorities.

15. Certificate of release is granted to every citizen of a State of the Empire who proves that he is naturalized in a State of the Empire. In default of this proof, it will not be granted: *a*, to persons held for military service between the ages of seventeen and twenty-one years, before the production of the certificate of the military commission attesting that they do not require a certificate of release to escape the obligation to serve in the army or navy; *b*, to those in the military or in the navy active in the service, to officers on leave, and to those employed in the army before their formal release from the service; *c*, to those who are on the lists as enrolled in the reserve force of the active army and in the *Landwehr*, or in the naval reserve, or in the *Seewehr*, and have not the quality of an officer where they have been called to perform active service.

16. Abrogated.

17. In time of peace a certificate of release cannot be refused for causes other than those enumerated under Articles 15 and 16. In time of war, or in case of war being imminent, the right to take special measures is reserved to the President of the Confederation.

18. The delivery of the certificate of release works loss of nationality from the date of the delivery. The certificate of release remains in every case without effect where the individual who has obtained it has not, within six months, removed his domicile beyond the federal territory, or has not acquired nationality of one of the States of the Confederation.

19. The certificate of release extends to the wife and minor children who at the time are subject to the paternal care.

20. Citizens of North Germany who reside abroad can be declared to have lost their nationality by a decision of the central authorities of their State whenever, in case of war or danger of war, they do not obey the call to return to their State to render service.

21. Citizens of North Germany who quit the territory of the Confederation and reside without interruption for ten years abroad, lose, in consequence thereof, their nationality. The sojourn dates from the date of departure from federal territory, or, where the citizen leaves with a passport or a certificate of domicile, from the date of the passport or a certificate of domicile. Sojourn is interrupted by enrolment at a federal consulate of the Empire, and commences to date again from the date of said enrolment.

The loss of nationality extends to the wife and minor children who at the time are under the paternal care, provided they are abroad with the husband or with the father.

Sojourn of ten years can be reduced to five years by treaty stipulation in cases of citizens of North Germany who reside without interruption during five years abroad, and acquire at the same time the nationality of the country in which they reside.

Such a treaty was made with the United States of America.

Citizens of North Germany who have lost their nationality by sojourn abroad uninterrupted for ten years, and who have not acquired nationality in any other country,

can recover their former nationality as citizens of North Germany.

Citizens of North Germany who have lost the nationality of their State by uninterrupted sojourn abroad for ten years, and who return to the federal territory, can reacquire their former nationality by re-establishment in their former State, and by act of submission to the administrative authorities who shall accord to them their former nationality upon request made in prescribed form.

22. When a citizen of North Germany enters the service of a foreign country or State without authority from his government, the central authorities can declare a loss of nationality in North Germany in case he does not obey their injunction to surrender the functions which he has assumed within a time fixed by them.

23. When a citizen of North Germany enters the service of a foreign country or State with the authority of his government, he retains his nationality.

24. Delivery of certificate of release as provided in Article 15 is without costs. In provisions other than in Article 15 costs of stamp and attendant expenses are charged.

25. Those citizens who are abroad at the date of the declaration of this law, who are citizens of any of the States of the Empire, lose their nationality by a sojourn of ten years or more abroad, and the sojourn is not interrupted by the terms of the present law. For citizens in other States of the Empire the sojourn dates from the promulgation of the present law.

26. This law will be promulgated January 1, 1871.

EXTRACTS FROM THE MILITARY LAW OF MAY 2, 1874.

11. Citizens, male, who have migrated from the territory of the Empire and have lost their German nationality, and who have not acquired another nationality, are held to present themselves, whenever they take up their domicile in Germany, for military or naval service under the flag, but they cannot be held for service in time of peace after having completed the age of thirty-one years. This rule applies to the sons of those who have migrated and return to the Empire, notwithstanding that these sons have acquired another nationality. The foregoing provisions are applicable to emigrants who have acquired another nationality, and who reacquire German nationality prior to the completion of the thirty-first year.

68. Citizens, male, who have migrated under a certificate of release, and are naturalized and reacquire their former German nationality, prior to the completion of the thirty-first year, enter the military class to which they would have belonged had they not migrated.

69. Except in cases of special ordinances, a certificate of release is not requisite, — which ordinances govern in time of war or in time of danger of war. In every case, however, report should be made to the military commission of the intended emigration, and failure of a citizen, male, so to do, is punished by the criminal code.

Article of Penal Code of 1871, modified by the law of February 26th, 1876.

Infraction of the obligations to perform military service are punished : —

1. By a fine from 150 to 3,000 marks, and impris-

onment from one month to one year, for every citizen, male, subject to military service, who, to evade service on land or on sea, without the authority of the Confederation, leaves the country or sojourns abroad after having reached the age for recruitment.

2. By a fine of 3,000 marks or more, or by arrest or by imprisonment for six months for every officer, and every individual on leave of the rank of an officer, who emigrates without authority.

3. By imprisonment for two years, and by fine of 3,000 marks, for every citizen who is subject to military service, and who emigrates after promulgation of Imperial decree, given at time of open hostilities or of hostilities declared to be imminent.

The effects of such emigrant shall be sequestered during his absence, and on decree of court, the amount of fine, with all costs, shall be paid therefrom.

Male citizens are punished with a fine of 150 marks:—

Who are soldiers on leave of absence, who are in the reserve, who are in the *Landwehr*, who are in the *Seewehr*, and who have emigrated without authority and without the permission of the military authorities.

GREAT BRITAIN.

CHAPTER 14.

An Act to amend the Law relating to the legal condition of aliens and British subjects. (12th May, 1870.)

Whereas it is expedient to amend the law relating to the legal condition of aliens and British subjects:—

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows : —

1. This Act may be cited for all purposes as "The Naturalization Act, 1870."

STATUS OF ALIENS IN THE UNITED KINGDOM.

2. Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as though from or in succession to a natural-born British subject; provided : —

(1) That this section shall not confer any right on an alien to hold real property, situate out of the United Kingdom, and shall not qualify an alien for any office or for any municipal, parliamentary, or other franchise.

(2) That this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him.

(3) That this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the passing of this Act, or in pursuance of any devolution by law, on the death of any person dying before the passing of this Act.

3. Where Her Majesty has entered into a convention with any foreign State to the effect that the subjects or citizens of that State, who have been naturalized as British subjects, may divest themselves of their status as such subjects, it shall be lawful for Her Majesty, by Order in Council, to declare that such convention has been entered into by Her Majesty; and from and after the date of such Order in Council, any person being originally a subject or citizen of the State referred to in such Order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the convention, make a declaration of alienage, and from and after the date of his so making such declaration, such person shall be regarded as an alien, and as a subject of the State to which he originally belonged as aforesaid.

A declaration of alienage may be made as follows; that is to say: If the declarant be in the United Kingdom, in the presence of any justice of the peace; if elsewhere in Her Majesty's dominions, in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in the presence of any officer in the diplomatic or consular service of Her Majesty.

4. Any person who, by reason of his having been born within the dominions of Her Majesty, is a natural-born subject, but who also, at the time of his birth, became under the law of any foreign State a subject of such State, and is still such subject, may, if of full age

and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration of alienage such person shall cease to be a British subject. Any person who is born out of Her Majesty's dominions, of a father being a British subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall cease to be a British subject.

5. From and after the passing of this Act an alien shall not be entitled to be tried by a jury *de medietate lingue*, but shall be triable in the same manner as if he were a natural-born subject.

EXPATRIATION.

6. Any British subject who has at any time before, or may at any time after the passing of this Act, when in any foreign State and not under any disability, voluntarily become naturalized in such State, shall, from and after the time of his so having become naturalized in such foreign State, be deemed to have ceased to be a British subject and be regarded as an alien, provided:

(1) That where any British subject has before the passing of this Act voluntarily become naturalized in a foreign State, and yet is desirous of remaining a British subject, he may, at any time within two years after the passing of this Act, make a declaration that he is desirous of remaining a British subject, and upon such declaration hereinafter referred to as a declaration of British nationality being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject; with

this qualification, that he shall not, when within the limits of the foreign State in which he has been naturalized, be deemed to be a British subject unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect :

(2) A declaration of British nationality may be made, and the oath of allegiance be taken as follows ; that is to say : If the declarant be in the United Kingdom, in the presence of a justice of the peace ; if elsewhere in Her Majesty's dominions, in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose ; if out of Her Majesty's dominions, in the presence of any officer in the diplomatic or consular service of Her Majesty.

NATURALIZATION AND RESUMPTION OF BRITISH NATIONALITY.

7. An alien who within such limited time before making the application hereinafter mentioned as may be allowed by one of Her Majesty's Principal Secretaries of State, either by general order or on any special occasion, has resided in the United Kingdom for a term of not less than five years, or has been in the service of the Crown for a term of not less than five years, and intends, when naturalized, either to reside in the United Kingdom or to serve under the Crown, may apply to one of Her Majesty's Principal Secretaries of State for a certificate of naturalization.

The applicant shall adduce in support of his applica-

tion such evidence of his residence or service, and intention to reside or serve, as such Secretary of State may require. The said Secretary of State, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision, but such certificate shall not take effect until the applicant has taken the oath of allegiance.

An alien to whom a certificate of naturalization is granted shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom, with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

The said Secretary of State may in manner aforesaid grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject, and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

An alien who has been naturalized previously to the passing of this Act may apply to the Secretary of State

for a certificate of naturalization under this Act, and it shall be lawful for the said Secretary of State to grant such certificate to such naturalized alien upon the same terms and subject to the same conditions in and upon which such certificate might have been granted if such alien had not been previously naturalized in the United Kingdom.

8. A natural-born British subject who has become an alien in pursuance of this Act, and is in this Act referred to as a statutory alien, may, on performing the same conditions and adducing the same evidence as is required in the case of an alien applying for a certificate of nationality, apply to one of her Majesty's Principal Secretaries of State for a certificate, hereinafter referred to as a certificate of readmission to British nationality, readmitting him to the status of a British subject. The said Secretary of State shall have the same discretion as to the giving or withholding of the certificate as in the case of a certificate of naturalization, and an oath of allegiance shall in like manner be required previously to the issuing of the certificate.

A statutory alien to whom a certificate of readmission to British nationality has been granted shall, from the date of the certificate of readmission, but not in respect of any previous transaction, resume his position as a British subject; with this qualification, that within the limits of the foreign State of which he became a subject, he shall not be deemed to be a British subject unless he has ceased to be a subject of that foreign State according to the laws thereof, or in pursuance of a treaty to that effect.

The jurisdiction by this Act conferred on the Secretary

of State in the United Kingdom in respect of the grant of a certificate of readmission to British nationality, in the case of any statutory alien being in any British possession, may be exercised by the governor of such possession; and residence in such possession shall, in the case of such person, be deemed equivalent to residence in the United Kingdom.

9. The oath in this Act referred to as the oath of allegiance shall be in the form following; that is to say:—

“I do swear that I will be faithful, and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God.”

NATIONAL STATUS OF MARRIED WOMEN AND INFANT CHILDREN.

10. The following enactments shall be made with respect to the national status of women and children:

(1) A married woman shall be deemed to be a subject of the State of which her husband is for the time being a subject;

(2) A widow being a natural-born British subject, who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may as such at any time during widowhood obtain a certificate of readmission to British nationality in manner provided by this Act;

(3) Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother who during infancy has become resident in the country where the father or mother is naturalized,

and has, according to the laws of such country, become naturalized therein, shall be deemed to be a subject of the State of which the father or mother has become a subject, and not a British subject ;

(4) Where the father, or the mother being a widow, has obtained a certificate of readmission to British nationality, every child of such father or mother who during infancy has become resident in the British dominions with such father or mother, shall be deemed to have resumed the position of a British subject to all intents ;

(5) Where the father, or the mother being a widow, has obtained a certificate of naturalization in the United Kingdom, every child of such father or mother who during infancy has become resident with such father or mother in any part of the United Kingdom shall be deemed to be a naturalized British subject.

SUPPLEMENTAL PROVISIONS.

11. One of Her Majesty's Principal Secretaries of State may by regulation provide for the following matters : —

(1) The form and registration of declarations of British nationality ;

(2) The form and registration of certificates of naturalization in the United Kingdom ;

(3) The form and registration of certificates of readmission to British nationality ;

(4) The form and registration of declarations of alienage ;

(5) The registration by officers in the diplomatic or consular service of Her Majesty of the births and deaths of British subjects who may be born or die out of Her

Majesty's dominions, and of the marriages of persons married at any of Her Majesty's embassies or legations ;

(6) The transmission to the United Kingdom for the purpose of registration or safe keeping, or of being produced as evidence, of any declarations or certificates made in pursuance of this Act out of the United Kingdom, or of any copies of such declarations or certificates, also of copies of entries contained in any register kept out of the United Kingdom in pursuance of or for the purpose of carrying into effect the provisions of this Act ;

(7) With the consent of the Treasury the imposition and application of fees in respect of any registration authorized to be made by this Act, and in respect of the making any declaration or the grant of any certificate authorized to be made or granted by this Act.

The said Secretary of State, by a further regulation, may repeal, alter, or add to any regulation previously made by him in pursuance of this section.

Any regulation made by the said Secretary of State in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if it had been enacted in this Act, but shall not so far as respects the imposition of fees be in force in any British possession, and shall not, so far as respects any other matter, be in force in any British possession in which any Act or ordinance to the contrary of or inconsistent with any such direction may for the time being be in force.

12. The following regulations shall be made with respect to evidence under this Act :—

(1) Any declaration authorized to be made under this Act may be proved in any legal proceeding by the pro-

duction of the original declaration, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such declaration, and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned ;

(2) A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such certificate ;

(3) A certificate of readmission to British nationality may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such certificate ;

(4) Entries in any register authorized to be made in pursuance of this Act shall be proved by such copies and certified in such manner as may be directed by one of Her Majesty's Principal Secretaries of State, and the copies of such entries shall be evidence of any matters by this Act or by any regulation of the said Secretary of State authorized to be inserted in the register ;

(5) The Documentary Evidence Act, 1868, shall apply to any regulation made by a Secretary of State, in

pursuance of or for the purpose of carrying into effect any of the provisions of this Act.

MISCELLANEOUS.

13. Nothing in this Act contained shall affect the grant of letters of denization by Her Majesty.

14. Nothing in this Act contained shall qualify an alien to be the owner of a British ship.

15. Where any British subject has in pursuance of this Act become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien.

16. All laws, statutes, and ordinances which may be duly made by the legislature of any British possession for imparting to any person the privileges or any of the privileges of naturalization, to be enjoyed by such person within the limits of such possession, shall within such limits have the authority of law, but shall be subject to be confirmed or disallowed by Her Majesty in the same manner, and subject to the same rules in and subject to which Her Majesty has power to confirm or disallow any other laws, statutes, or ordinances in that possession.

17. In this Act, if not inconsistent with the context or subject-matter thereof:—

“Disability” shall mean the status of being an infant, lunatic, idiot, or married woman;

“British possession” shall mean any colony, plantation, island, territory, or settlement within Her Majesty’s dominions, and not within the United Kingdom, and all territories and places under one legislature are deemed to be one British possession for the purposes of this Act;

"The Governor of any British possession" shall include any person exercising the chief authority in such possession;

"Officer in the Diplomatic Service of Her Majesty" shall mean any Ambassador, Minister, or Chargé d'Affaires, or Secretary of Legation, or any person appointed by such Ambassador, Minister, or Chargé d'Affaires, or Secretary of Legation, to execute any duties imposed by this Act on an officer in the Diplomatic Service of her Majesty;

"Officer in the Consular Service of Her Majesty" shall mean and include Consul-General, Consul, Vice-Consul, and Consular-Agent, and any person for the time being discharging the duties of Consul-General, Consul, Vice-Consul, and Consular Agent.

REPEAL OF ACTS MENTIONED IN SCHEDULE.

18. The several Acts set forth in the first and second parts of the schedule annexed hereto shall be wholly repealed, and the Acts set forth in the third part of the said schedule shall be repealed to the extent therein mentioned; provided that the repeal enacted in this Act shall not affect:—

(1) Any right acquired or thing done before the passing of this Act;

(2) Any liability accruing before the passing of this Act;

(3) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before the passing of this Act;

(4) The institution of any investigation or legal pro-

ceeding or any other remedy for ascertaining or enforcing any such liability, penalty, forfeiture, or punishment as aforesaid.

OATHS OF ALLEGIANCE ON NATURALIZATION.

CHAPTER 102.

An Act to amend the Law relating to the taking of Oaths of Allegiance on Naturalization.

(10th August, 1870.)

Whereas it is expedient to amend the law relating to the taking of oaths of allegiance under the Naturalization Act, 1870,—

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The power of making regulations vested in one of Her Majesty's Principal Secretaries of State by the Naturalization Act, 1870, shall extend to prescribing as follows:—

(1) The persons by whom the oaths of allegiance may be administered under that Act;

(2) Whether or not such oaths are to be subscribed as well as taken, and the form in which such taking and subscription are to be attested;

(3) The registration of such oaths;

(4) The persons by whom certified copies of such oaths may be given;

(5) The transmission to the United Kingdom for the purpose of registration or safe keeping or of being produced as evidence of any oaths taken in pursuance of the said Act out of the United Kingdom, or of any copies of such oaths, — also of copies of entries of such oaths contained in any register kept out of the United Kingdom in pursuance of this Act;

(6) The proof in any legal proceeding of such oaths;

(7) With the consent of the Treasury, the imposition and application of fees in respect of the administration or registration of any such oath.

The last two paragraphs in the eleventh section of the Naturalization Act, 1870, shall apply to regulations made under this Act.

2. Any person wilfully and corruptly making or subscribing any declaration under the Naturalization Act, 1870, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanor, and be liable to imprisonment with or without hard labor for any term not exceeding twelve months.

3. This act shall be termed the Naturalization Oath Act, 1870, and shall be construed as one with the Naturalization Act, 1870, and may be cited together with that Act as the Naturalization Acts, 1870.

NATURALIZATION.

CHAPTER 39.

An Act for amending the Law in certain cases in relation to Naturalization.

(25th July, 1872).

Whereas by a Convention between Her Majesty and the United States of America, supplementary to the

Convention of the thirteenth day of May, one thousand eight hundred and seventy, respecting naturalization, and signed at Washington on the twenty-third day of February, one thousand eight hundred and seventy-one, and a copy of which is contained in the schedule to this Act, provision is made in relation to the renunciation by the citizens and subjects therein mentioned of naturalization or nationality in the presence of the officers therein mentioned ;

And *whereas* doubts are entertained whether such provisions are altogether in accordance with the Naturalization Act, 1870 : And *whereas* other doubts have arisen with respect to the effect of the Naturalization Act, 1870, on the rights of women married before the passing of that Act ; and it is expedient to remove such doubts ;

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows : —

1. This Act may be cited for all purposes as the Naturalization Act, 1872, and this Act and The Naturalization Act, 1870, may be cited together as The Naturalization Acts, 1870 and 1872.

2. Any renunciation of naturalization or of nationality made in manner provided by the said supplementary Convention by the persons and under the circumstances in the said Convention in that behalf mentioned shall be valid to all intents, and shall be deemed to be authorized by the said Naturalization Act, 1870. This section shall be deemed to take effect from the date at which the said supplementary Convention took effect.

8. Nothing contained in The Naturalization Act, 1870, shall deprive any married woman of any estate or interest in real or personal property to which she may have become entitled previously to the passing of that Act, or affect such estate or interest to her prejudice.

SCHEDULE.

CONVENTION between Her Majesty and the United States of America, supplementary to the Convention of May 18, 1870, respecting naturalization.

Signed at Washington, 23d February, 1871.

(Ratifications exchanged at
WASHINGTON, May 4, 1871.)

Whereas by the second article of the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, for regulating the citizenship of subjects and citizens of the contracting parties who have emigrated or may emigrate from the dominions of the one to those of the other party, signed at London, on the 18th of May, 1870, it was stipulated that the manner in which the renunciation by such subjects and citizens of their naturalization, and the resumption of their native allegiance, may be made and publicly declared, should be agreed upon by the governments of the respective countries, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the United States of America, for the purpose of effecting such agreements, have resolved to conclude a supplemental Convention, and have named as their plenipotentiaries, that is to say: Her Majesty the Queen of the United

Kingdom of Great Britain and Ireland, Sir Edward Thornton, Knight Commander of the Most Honorable Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America; and the President of the United States of America, Hamilton Fish, Secretary of State; — who have agreed as follows:—

ARTICLE 1. Any person being originally a citizen of the United States who had, previously to May 13, 1870, been naturalized as a British subject, may at any time before August 10, 1872, and any British subject who, at the date first aforesaid, had been naturalized as a citizen within the United States, may at any time before May 12, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing, substantially in the form hereunto appended, and designated as Annex A.

Such renunciation by an original citizen of the United States, of British nationality, shall, within the territories and jurisdiction of the United States, be made in duplicate, in the presence of any court authorized by law for the time being to admit aliens to naturalization, or before the clerk or prothonotary of any such court; if the declarant be beyond the territories of the United States, it shall be made in duplicate, before any diplomatic or consular officer of the United States. One of such duplicates shall remain of record in the custody of the court or officer in whose presence it was made; the other shall be, without delay, transmitted to the department of State.

Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of the

United States, shall, if the declarant be in the United Kingdom of Great Britain and Ireland, be made in duplicate in the presence of a justice of the peace; if elsewhere in Her Britannic Majesty's dominions, in triplicate, in the presence of any judge of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in triplicate, in the presence of any officer in the diplomatic or consular service of Her Majesty.

ART. 2. The contracting parties hereby engage to communicate each to the other, from time to time, lists of the persons who, within their respective dominions and territories, or before their diplomatic and consular officers, have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the abode of the declarants, and the times and places of their naturalization, as they may have furnished.

ART. 3. The present Convention shall be ratified by Her Britannic Majesty, and by the President of the United States by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington as soon as may be convenient.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington, the twenty-third day of February, in the year of our Lord one thousand eight hundred and seventy-one.

[L. S.] EDWD. THORNTON.

[L. S.] HAMILTON FISH.

ANNEX (A.).

I, A. B., of (insert abode), being originally a citizen of the United States of America (or a British subject), and having become naturalized within the dominions of Her Britannic Majesty as a British subject (or as a citizen within the United States of America), do hereby renounce my naturalization as a British subject (or citizen of the United States) ; and declare that it is my desire to resume my nationality as a citizen of the United States (or British subject).

(Signed)

A. B.

Made and subscribed before me in (insert country or other subdivision, and state, province, colony, legation, or consulate), this day of 187 .

(Signed) E. F.,

Justice of the Peace (or other title).

[L. S.] EDWD. THORNTON.

[L. S.] HAMILTON FISH.

NATURALIZATION ACTS, 1870.

Regulations.

In exercise of the powers contained in the Naturalization Acts, 1870, I, the Right Honorable HENRY AUSTIN BRUCE, one of Her Majesty's Principal Secretaries of State, make the following Regulations : —

Forms.

I. The form of declarations made in pursuance of the said Acts shall be respectively as follows : —

NATURALIZATION ACTS, 1870.

Declaration of Alienage by a Naturalized British Subject.

I, A. B., of , having been naturalized as a British subject on the of , 18 , do hereby,

under the provisions of the Order of Her Britannic Majesty in Council of the _____, and of the treaty between Great Britain and C. D., renounce my naturalization as a British subject, and declare that it is my desire to resume my nationality as a subject (or citizen) of C. D.

(Signed) A. B.

Made and subscribed this _____ day of 18 _____, before me,

(Signed) E. F.,
Justice of the Peace (or other official title).

NATURALIZATION ACTS, 1870.

Declaration of Alienage by a Person born within British Dominions.

I, A. B., of _____, being held by the common law of Great Britain to be a natural-born subject of Her Britannic Majesty by reason of my having been born within Her Majesty's dominions, and being also held by the law of C. D. to have been at my birth, and to be still, a subject (or citizen) of C. D., hereby renounce my nationality as a British subject, and declare that it is my desire to be considered and treated as a subject (or citizen) of C. D.

(Signed) A. B.

Made and subscribed this _____ day of 18 _____, before me,

(Signed) E. F.,
Justice of the Peace (or other official title).

NATURALIZATION ACTS, 1870.

Declaration of Alienage by a Person who is by origin a British Subject.

I, A. B., of _____, having been born out of Her Britannic Majesty's dominions, of a father being a British subject, do hereby renounce my nationality as a British subject.

(Signed) A. B.

LAW OF NATURALIZATION.

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Made and subscribed this day of 18 ,
before me,
(Signed) G. H.,
 Justice of the Peace (or other official title).

NATURALIZATION ACTS, 1870.

Declaration of British Nationality.

I, A. B., of , being a natural-born subject of
Her Britannic Majesty, and having voluntarily become natu-
ralized as a subject (or citizen) of C. D., on the desire
to be considered and treated as a British subject.

(Signed) A. B.
Made and subscribed this day of 18 ,
before me,
(Signed) E. F.,
 Justice of the Peace (or other official title).

NOTE. — The Act of Parliament under which this declaration is
made provides that the declarant “shall not, when within the lim-
its of the foreign State in which he has been naturalized, be deemed
to be a British subject, unless he has ceased to be a subject of that
State in pursuance of the laws thereof, or in pursuance of a treaty
to that effect.”

II. The forms of certificates granted in pursuance of
the said Acts shall be respectively as follow: —

NATURALIZATION ACTS, 1870.

Certificate of Naturalization to an Alien.

SECRETARY OF STATE'S OFFICE, WHITEHALL.

Whereas, A. B., an alien, now residing at , has
presented to me, the Right Honorable E. F., one of Her
Majesty's Principal Secretaries of State, a memorial, praying
for a certificate of naturalization, and alleging that he is (par-
ticulars according to the “Instructions”), and that in the
period of eight years preceding his application he has resided

for five years within the United Kingdom (or has been for five years in the service of the Crown as), and intends, when naturalized, to reside in the United Kingdom (or to serve under the Crown); and *whereas* I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial, now, in pursuance of the authority given to me by the said Acts, I grant to the aforesaid A. B. this certificate, and declare that he is hereby naturalized as a British subject, and that, upon taking the oath of allegiance, he shall in the United Kingdom be entitled to all political and other rights, powers, privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom; with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject, be deemed to be a British subject, unless he has ceased to be a subject (or citizen) of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

IN WITNESS WHEREOF I have hereto subscribed my name
this day of 18 .

(Signed)

E. F.

NATURALIZATION ACTS, 1870.

Certificate of Naturalization under the Acts of 1870 to an Alien Naturalized under the Act of 1844.

SECRETARY OF STATE'S OFFICE, WHITEHALL.

Whereas A. B., an alien, now residing at , has presented to me, the Right Honorable E. F., one of Her Majesty's Principal Secretaries of State, a memorial, praying for a certificate of naturalization under the Naturalization Acts, 1870, and alleging that he was naturalized in the United Kingdom in pursuance of the Act 7 & 8 Vict. c. 66, on the day 18 , that he was originally a subject of and that in the period of eight years preceding

his application he has resided for five years within the United Kingdom (or has been for five years in the service of the Crown as), and intends, if he receives the certificate of naturalization for which he prays, to reside in the United Kingdom (or to serve under the Crown); and *whereas* I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial; now, in pursuance of the authority given to me by the Naturalization Acts, 1870, I grant to the aforesaid A. B. this certificate, and declare that he is hereby naturalized as a British subject, and that, upon taking the oath of allegiance, he shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom; with this qualification, that he shall not, when within the limits of the foreign State of which he was a natural-born subject (or citizen), be deemed to be a British subject, unless he has ceased to be a subject (or citizen) of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

IN WITNESS WHEREOF I have hereto subscribed my name
this day of 18 .

(Signed)

E. F.

NATURALIZATION ACTS, 1870.

Special Certificate of Naturalization to a Person with respect to whose Nationality a Doubt exists.

SECRETARY OF STATE'S OFFICE, WHITEHALL.

Whereas A. B. of , has presented to me, the Right Honorable C. D., one of Her Majesty's Principal Secretaries of State, a memorial praying for a special certificate of naturalization under the above-mentioned Acts, and alleging that he is a person with respect to whose nationality as a British subject a doubt exists, that he is , and that in the period

of eight years preceding his application he has resided for five years within the United Kingdom (or has been for five years in the service of the Crown as), and intends, if he receives the certificate of naturalization for which he prays, to reside in the United Kingdom (or to serve under the Crown); and whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial, now, in pursuance of the authority given to me by the said Act, and for the purpose of quieting doubts as to the right of the said A. B. to be a British subject, I grant to the aforesaid A. B. this certificate, and declare that he is hereby naturalized as a British subject, and that, upon taking the oath of allegiance, he shall, in the United Kingdom, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations to which a natural-born British subject is entitled or subject in the United Kingdom; with this qualification, that if it should be proved that the said A. B. was heretofore a subject (or citizen) of any other State, he shall not, when within the limits of such State, be deemed to be a British subject, unless he has ceased to be a subject (or citizen) of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect. And I further declare that the grant of this special certificate of naturalization shall not be deemed to be any admission that the aforesaid A. B. was not heretofore a British subject.

IN WITNESS WHEREOF I have hereto subscribed my name
this day of 18 .

(Signed)

C. D.

NATURALIZATION ACTS, 1870.

Certificate of Readmission to British Nationality.

(To be granted by one of Her Majesty's Principal Secretaries of State).

Whereas A. B. has presented to me, the Right Honorable E. F., one of Her Majesty's Principal Secretaries of State, a

memorial, praying for a certificate of readmission to British nationality, and alleging that he was a natural-born British subject, and that he became an alien by being naturalized as a subject (or citizen) of G. H., on the day of 18 , that he is , and that in the period of eight years preceding his application he has resided for five years within the United Kingdom (or has been for five years in the service of the Crown as), and intends, if he receives the certificate of readmission to British nationality for which he prays, to reside in the United Kingdom (or to serve under the Crown); and whereas I have inquired into the circumstances of the case and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial; and whereas the said A. B. has taken the oath of allegiance; now, in pursuance of the authority given to me by the said Acts, I grant to the aforesaid A. B. this certificate, and declare that, as from the date of this certificate, but not in respect of any previous transaction, he is hereby readmitted to the status of a British subject; with this qualification that, within the limits of the foreign State of which he became a subject, he shall not be deemed to be a British subject, unless he has ceased to be a subject (or citizen) of that State according to the laws thereof, or in pursuance of a treaty to that effect.

IN WITNESS WHEREOF I have hereto subscribed my name
this day of 18 .

(Signed)

E. F.

OATH OF ALLEGIANCE.

III. The oath of allegiance shall be subscribed as well as taken.

IV. The following persons may administer the oath of allegiance:—

In England or Ireland: Any Justice of the Peace or any Commissioner authorized to administer oaths in Chancery.

8. Nothing contained in The Naturalization Act, 1870, shall deprive any married woman of any estate or interest in real or personal property to which she may have become entitled previously to the passing of that Act, or affect such estate or interest to her prejudice.

SCHEDULE.

CONVENTION between Her Majesty and the United States of America, supplementary to the Convention of May 13, 1870, respecting naturalization.

Signed at Washington, 23d February, 1871.

(Ratifications exchanged at
WASHINGTON, May 4, 1871.)

Whereas by the second article of the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, for regulating the citizenship of subjects and citizens of the contracting parties who have emigrated or may emigrate from the dominions of the one to those of the other party, signed at London, on the 18th of May, 1870, it was stipulated that the manner in which the renunciation by such subjects and citizens of their naturalization, and the resumption of their native allegiance, may be made and publicly declared, should be agreed upon by the governments of the respective countries, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the United States of America, for the purpose of effecting such agreements, have resolved to conclude a supplemental Convention, and have named as their plenipotentiaries, that is to say: Her Majesty the Queen of the United

Kingdom of Great Britain and Ireland, Sir Edward Thornton, Knight Commander of the Most Honorable Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America; and the President of the United States of America, Hamilton Fish, Secretary of State; — who have agreed as follows: —

ARTICLE 1. Any person being originally a citizen of the United States who had, previously to May 18, 1870, been naturalized as a British subject, may at any time before August 10, 1872, and any British subject who, at the date first aforesaid, had been naturalized as a citizen within the United States, may at any time before May 12, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing, substantially in the form hereunto appended, and designated as Annex A.

Such renunciation by an original citizen of the United States, of British nationality, shall, within the territories and jurisdiction of the United States, be made in duplicate, in the presence of any court authorized by law for the time being to admit aliens to naturalization, or before the clerk or prothonotary of any such court; if the declarant be beyond the territories of the United States, it shall be made in duplicate, before any diplomatic or consular officer of the United States. One of such duplicates shall remain of record in the custody of the court or officer in whose presence it was made; the other shall be, without delay, transmitted to the department of State.

Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of the

In Scotland: Any Sheriff, Sheriff-substitute, or Justice of the Peace.

Elsewhere in Her Majesty's dominions: Any Judge of any Court of Civil or Criminal jurisdiction; any Justice of the Peace; any Officer for the time being authorized by law in the place in which the deponent is to administer an oath for any judicial or other legal purpose.

This regulation shall not apply to the case of the administration of an oath of allegiance in respect of a declaration of British nationality, for which case provision is made by the Naturalization Act, 1870 (33 Vict. c. 14, s. 6).

V. The form in which the Oath of Allegiance shall be subscribed shall be as follows:—

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God.

(Signed) A. B.

Sworn and subscribed this day of before me, .

(Signed) C. D.

Justice of the Peace (or other official title).

VI. The oath of allegiance taken and subscribed in pursuance of the said Acts may be proved in any legal proceeding by the production of the original certificate, or any copy thereof certified to be a true copy by one of Her Majesty's Principal or Under Secretaries of State.

This regulation shall apply exclusively to legal proceedings in the United Kingdom.

REGISTRATION.

VII. Every declaration, whether of alienage or British nationality, and every certificate, whether of naturalization or of readmission to British nationality, and every oath of allegiance taken with respect to a declaration or certificate, shall be registered in the office of one of Her Majesty's Principal Secretaries of State.

Copies, certified by one of Her Majesty's Principal or Under Secretaries of State, to be true copies of any declaration, certificate, or oath which has been registered, may be obtained at such office as aforesaid.

This regulation shall apply exclusively to such declarations, certificates, and oaths as may be made, granted, and taken respectively in the United Kingdom.

*Supplemental Regulation Amending Form of Certificates
of Naturalization of an Alien.*

I hereby prescribe that in the recitals of the various certificates issued under the Naturalization Act, 1870, namely, the Certificates A, AA, AAA, B, C, and D, the form of which was prescribed by the Regulations issued on the 1st of February, 1872, the paragraph which relates to the verification of the allegations in the memorial shall run as follows:—

“ And whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial so far as the same relate to the memorialist.”

HUGH C. E. CHILDERS.

WHITEHALL, 8 March, 1886.

Supplemental Regulation as to Fee to be taken for the Grant of a Certificate, whether of Naturalization or of Readmission to British Nationality, and for Registering the Same, together with the Oath of Allegiance.

With the consent of the Lords Commissioners of Her Majesty's Treasury, I prescribe that the fee to be taken for the grant of a certificate, whether of naturalization or of readmission to British nationality, and for registering the same, together with the oath of allegiance, shall be reduced to £1.

This regulation shall apply exclusively to certificates granted in the United Kingdom for which application was made after the 15th of May, 1886, and shall be in lieu of so much of the Regulation of 24th June, 1880 as prescribes the amount of the fee in respect of the same matters.

H. C. E. CHILDERS.

HOME OFFICE, 15 May, 1886.

Supplemental Regulation as to Fee to be taken for the Grant of a Certificate, whether of Naturalization or of Readmission to British Nationality, and for Registering the Same, together with the Oath of Allegiance.

With the consent of the Lords Commissioners of Her Majesty's Treasury, I prescribe that the fee to be taken for the grant of a certificate, whether of naturalization or of readmission to British nationality, and for registering the same, together with the oath of allegiance, shall be raised to five pounds (£5).

This regulation shall apply exclusively to certificates granted in the United Kingdom for which application is made on or after the first day of January, 1887, and shall be in lieu of the regulation of the fifteenth day of May last, prescribing the amount of the fee in respect of the same matters.

HENRY MATTHEWS,

One of Her Majesty's Principal Secretaries of State.

WHITEHALL, 28 December, 1886.

NATURALIZATION IN GREECE.

LAW OF 1890.

I.

Engagement of Civil Rights.

ARTICLE 9. The engagement of civil rights is independent of political rights which are acquired and preserved according to public law.

ART. 10. All Greeks enjoy civil rights.

ART. 11. An infant conceived is considered as born when it comes into the world alive. In case of doubt whether born dead or alive, the infant is presumed to have lived.

ART. 12. A legal person recognized as such by law enjoys civil rights unless the engagement is modified by special law.

ART. 13. An alien enjoys the same civil rights in Greece as does a Greek, except when modified by treaties.

ART. 14. Are Greeks: —

(a) Persons born of a Grecian father.

(b) Persons born of a Grecian mother, father unknown.

(c) Persons born in Greece of father and mother unknown.

(d) Born of an alien mother, father known who recognizes the child legally.

ART. 15. An alien of majority according to the laws of the country of origin becomes a Greek citizen by matriculation.

Whoever desires to be matriculated must declare the desire to the communal authorities of the locality where he wishes to be domiciled; after this declaration the applicant must inhabit Greece, if homogeneous for two years, if an alien for three years. After the expiration of this period of time, and on the attestation of the Procureur-General of the Court of Appeal that the applicant has committed no crime or misdemeanor under Article 22 of the Penal code, he may take the oath of allegiance as a Greek citizen before the Prefect. **REMARK:** Under the Law of December 31, 1883, individuals who have acquired Grecian subjection exceptionally and in regard to emigrants, the rule is that such persons who have acquired Grecian subjection by virtue of special laws can on request made to the Minister of the Interior take the oath as Greek subjects before the Grecian Consul of the locality in which they have a domicile.

ART. 16. The King can authorize an alien who has elected his domicile in view of future matriculation to enjoy civil rights during the interval required for unmatriculation. In which case all relations are governed by the Grecian law. **REMARK:** The King has the power to withdraw the authority of matriculation granted to an alien.

ART. 17. Children born prior to matriculation, and the widow, remain aliens. But in cases where the children are minors, they can acquire Greek citizenship if during the year of their majority they manifest the desire in the presence of the authorities of the locality in which they elect to establish their domicile, if they reside in Greece, and make oath as Grecian citizens before the competent prefect.

ART. 18. Children born during the interval of two or three years mentioned in Article 15 become Greek by the act of matriculation of the father.

ART. 19. A child born of a Greek mother and an alien father illegitimate and recognized by the father, and a child born in Greece of an alien, can acquire Greek citizenship pursuant to provisions of Article 17.

ART. 20. Persons born of parents since deceased, who engaged Grecian subjection, can acquire Greek citizenship according to the conditions set forth in Article 17.

ART. 21. An alien who has rendered eminent services to Greece, or who has enriched the country by some discovery or industry, or who has instituted useful establishments, or who has distinguished himself by showing eminent capacity, can be matriculated by special law.

ART. 22. An alien female who marries a Greek acquires Greek nationality.

II.

Loss and Recovery of Civil Rights.

ARTICLE 23. Persons lose quality of Greek citizens:—

- (a) Who become naturalized in a foreign country.
- (b) Who accept a public function in a foreign country without authority of the Grecian King.

ART. 24. The widow and children of an individual deceased under Grecian subjection remain Greek.

ART. 25. Every Grecian female married to an alien loses the quality of Grecian subjection. But if the husband becomes Greek by matriculation, or if she becomes a widow, or divorced, she can reacquire Greek subjection after declaration to the effect that she desires to re-enter Grecian subjection, the same to be made before the mu-

nicipal authorities of the locality where she desires to acquire a domicile.

A Grecian female married in Turkey to an Ottoman who subsequently becomes matriculated Greek does not enjoy Grecian subjection unless she conforms to the prescriptions of the Grecian law.

ART. 26. Former Greeks who have been naturalized abroad with the authority of the Royal Government recover their Grecian subjection when after return to Greece they make declaration to the municipal authority of their desire to take upon themselves their former nationality and establish themselves in Greece.

ART. 27. The individual who has lost the quality of a Grecian citizen can always recover it on return to Greece and on declaration before the municipal authorities of his desire to reacquire the same and continued residence for a period of six months and on making oath as a Greek citizen before the competent prefect.

ART. 28. Individuals who have accepted military service under a foreign government without authority of the Royal Government can recover the quality of Grecian citizens by return to Greece with the permission of the Royal Government, subject to such obligations as may be imposed on all aliens who desire to be matriculated as Greek subjects. REMARK: By military service is meant enrolment or acceptance of rank, and oath of fidelity to an alien power; exception, however, is made in behalf of Greeks who, living abroad, enter the lists to uphold the legal authorities against insurrections and rebellions.

ART. 29. Loss of civil rights by virtue of a judicial sentence are governed by the Penal Code.

REPUBLIC OF HAITI.

LAW OF 1889.

CIVIL CODE LAW.

*On the Use, the Loss, or the Suspension of Civil and
Political Rights.*

CHAPTER FIRST.

ON THE USE OF CIVIL AND POLITICAL RIGHTS.

ARTICLE 13. Any individual born in Haiti or in a foreign country of a Haitien or a Haitienne is a Haitien.

ART. 14. All who by virtue of the Constitution are qualified to become citizens of Haiti should, on their arrival in the country, make before the justice of the peace of their residence, in presence of two respectable citizens, the declaration that they come with the intention of taking up their residence in the Republic.

They are bound, moreover, for the purpose of proving their uninterrupted residence during the period of one year, to have visaed every month by the justice of the peace of the commune the copy of their declaration, and only after having fulfilled these formalities can they take before the Dean of the Civil Court of the district, or whosoever replaces him, the oath that they renounce all other countries except Haiti.

Furnished with a certificate of the Dean, they shall afterwards present themselves to the Department-General, and there request an act bearing the signature of the President of Haiti recognizing them as citizens of the Republic.

CONSTITUTION OF THE REPUBLIC OF HAITI.

1889.

TITLE II.—CHAPTER FIRST.

OF HAITIENS AND OF THEIR RIGHTS.

ARTICLE 4. Any foreigner is capable of becoming a Haitien, according to the rules established by the law.

ART. 7. No Haitiens who naturalize themselves foreigners in due form can return to the country only after five years, and if they desire to again become Haitiens, they will be obliged to fulfil all the conditions and formalities imposed on foreigners by the laws.

LAW OF NATURALIZATION AND RESIDENCE OF FOREIGNERS
IN HAITI.

The President of Haiti:—

Considering that it is necessary to determine the conditions and formalities of naturalization, the acquisition of which is accessible to all foreigners by virtue of the new Constitution (Article 8). . . .

Considering that in according equal and wide hospitality to all strangers who come to establish themselves in the country, it is incumbent on the Government and society to provide themselves beforehand against those visitors who directly or indirectly disturb or try to disturb the internal peace, the public security, or the national dignity, it is important to specify the measures to be practised against them.

On report of the Secretary of State of the Interior and by advice of the Council of the Secretaries of State, he has proposed and the Constituent Assembly exercising the legislative power has issued the following law:—

ARTICLE 1. Foreigners resident in Haiti for three years shall acquire naturalization on demand after the age of twenty-one years.

They must to this end appear before the Communal Magistrate of the Commune where they reside to make their request in form.

ART. 2. The Communal Magistrate, or the Councillor in his place, shall proceed officially to an investigation of the antecedents and morality of the applicant. The result of this investigation shall be sent, with the documents in support thereof, to the Secretary of the Interior, who shall transmit the papers, with his opinion and the grounds of it, to the President of the Republic, who decides upon the application.

ART. 3. Provided with the act of the Chief of State, and duly registered at the Department of State for Justice which recognizes them as citizens of the Republic, they shall present themselves before the Civil Court having jurisdiction where they reside, and make oath "to be loyal to the nation, to observe its laws, and to fulfil all the duties of Haitien citizens to their new country."

ART. 4. The uninterrupted residence of three years fixed by Article 1 shall not be exacted from strangers who have rendered important services, or from those who introduce some industry into Haiti or some useful invention or who bring to it distinguished talents, or who come there to found great institutions or to create great agricultural improvements.

ART. 5. Naturalization shall cause the collection of a tax of twenty piastres for the benefit of the Communal Council of the Commune in which the applicant is established.

ART. 6. The Secretary of State for the Interior shall have power as a police measure to enjoin upon all foreigners travelling or residing in Haiti to leave the Haitien territory after a given delay.

ART. 7. Every citizen who, after having received the above-mentioned order from the police, shall not have complied within twenty-four hours, shall be arrested and conducted to the nearest shipping-port, to be embarked on the first vessel sailing for some port of any one of the neighboring islands or of some other continent. Any one who shall avoid the execution of the measures announced above and in Article 232 of the Penal Code, or who after leaving Haiti in consequence of said measures should return thither without permission of the government, shall be arraigned before the courts and sentenced to imprisonment from one to six months. On the expiration of his punishment, he shall be conducted to the nearest shipping-port, for embarkation on board the first vessel sailing for foreign parts.

ART. 8. The present law abrogates all laws and legal provisions that are contrary to it, and it shall be printed, published, and executed at the suit of the Secretaries of State and Justice respectively, and shall not go into effect for the space of one year.

Given at the National Palace of Port au Prince,
the of April, 1889, the 86th year of Independence.

F. D. LEGITIME.

By the President.

DR. ROCHE GRELLIER,

*Secretary of State for Agriculture, of Public Instruction,
in charge ad interim of the Department of the Interior.*

GUGINE MARGSON,

Secretary of State and Justice.

HAWAIIAN ISLANDS.

LAW RELATING TO THE NATURALIZATION OF
FOREIGNERS, 1890.

Be it enacted by the King and the Legislature of the Hawaiian Kingdom:—

SECTION 1. The Minister of the Interior shall have the superintendence and direction of the naturalization of foreigners.

SECT. 2. The Minister of the Interior, by and with the consent of the Cabinet, may, in their discretion, upon the application of any alien foreigner who shall have resided within the Kingdom two years or more next preceding such application, stating his intention to become a permanent resident of the Kingdom, administer or cause to be administered the oath of allegiance to such foreigner, and cause such foreigner to subscribe thereto, provided that such foreigner is not a pauper nor a refugee from the justice of some other country.

“If such applicant shall be a resident of any island other than Oahu, he may, after the Cabinet shall have approved of his application, take the oath of allegiance before any judge of a Court of Record, which judges are hereby authorized to administer such oaths.”

SECT. 3. The oath of allegiance shall always be subscribed by the person so naturalized, be sworn to in the form most obligatory upon his conscience, and the jurat thereof shall be subscribed by the Minister of the Interior (or his chief clerk), or in case the applicant is a resident of another island by a judge of a Court of Record.

SECT. 4. It shall be competent for His Majesty, by and with the advice and consent of the Cabinet, to confer upon any alien resident abroad, or temporarily resident in this Kingdom, letters patent of denization, conferring upon such alien, without abjuration of allegiance, all the rights, privileges, and immunities of a native; said letters patent shall render the denizen in all respects accountable to the laws of this Kingdom, and impose upon him the like fealty to the King as if he had been naturalized as hereinbefore provided.

SECT. 5. Any judge of a Court of Record shall, immediately upon administering the oath of allegiance to any foreigner in accordance with the foregoing section, send to the Minister of the Interior the original of such oath, retaining a copy thereof.

SECT. 6. Chapter XVII. of the Session Laws of 1882, and all other laws and parts of laws inconsistent herewith, are hereby repealed.

Approved this 25th day of November, 1890.

KALAKAUA REX.

ITALY.

LAWS OF 1865.

Application of Code Civil. Article 6.

The station and the capacity of persons and the affinity of persons are regulated by the laws of the country of which they are citizens.

EDITION OF LAWS, 1891.—TITLE FIRST.

Law of citizenship and enjoyment of civil rights :—

1. Every citizen is entitled to enjoy civil rights provided that he has not been condemned to penal service.

2. Communes, provinces, public institutions civil or ecclesiastical, and in general all moral corporations legally constituted are considered as persons and enjoy civil rights according to the laws and usages observed in public law.

3. An alien is admitted to enjoy civil rights enjoyed by citizens.

4. The son of a father who is a citizen is also a citizen.

5. If the father has lost his citizenship prior to the birth of the son, the son is reputed to be a citizen when born in the Kingdom. Nevertheless he can within the year following majority according to the laws of the Kingdom, elect to become an alien by demanding a discharge from the officials in authority in the place of his domicile, or in case he is abroad from the diplomatic or consular agents representing the Kingdom.

6. The son born abroad of a father who has lost his citizenship prior to the birth of the son is an alien ; nevertheless he can elect the quality of citizen upon making declaration to that effect before the officials referred to in the preceding article, and taking up his residence in the Kingdom within one year from the date of the declaration. In case he has accepted a public employment in the Kingdom, or has served in the national army or in the navy, or has otherwise satisfied the military con-

scription without having invoked the quality of an alien, he will be held to be a citizen.

7. When the father is uncertain, the son follows the citizenship of the mother. Where the mother has lost her citizenship prior to the birth of the son, the two preceding articles are applicable. If the mother is unknown, the son born in the Kingdom is a citizen.

8. The son born of an alien is a citizen when the father has had a fixed and uninterrupted domicile in the Kingdom for a period of ten years; a residence for purpose of commerce is not considered. He can elect the quality of an alien when he makes his declaration within the time and in the manner prescribed by Article 5. Where the alien has not fixed nor had an uninterrupted domicile in the Kingdom for ten years the son is an alien, but the depositions made in Article 6 are applicable.

9. An alien female who marries a citizen acquires citizenship and retains it as a widow.

10. Citizenship is acquired by an alien by naturalization granted according to the laws or by royal decree. The royal decree does not have any effect until the same is registered with the public officials of the place in which the alien intends to fix or has fixed his domicile, and has taken the oath before the same officials to bear loyalty to the King and to observe the statutes and the laws of the Kingdom. The registration must be within six months from the date of the decree, under pain of loss of the same. The wife and the minor children of an alien who has obtained citizenship become citizens when they have fixed their residence in the Kingdom; but the children can elect the quality of an alien by making declaration according to Article 5.

Citizenship is lost : —

(1) By those who have renounced their citizenship before the public officials of the place of domicile, and have transferred their residence to a foreign country.

(2) By those who have obtained citizenship abroad.

(3) By those who without the permission of the government have accepted a public office under a foreign government, or have entered the military service of a foreign power. The wife and the minor children of those who have lost their citizenship become aliens, although they have continued to hold their residence in the Kingdom. Nevertheless, they can reacquire their citizenship in such cases, and in the modes expressed in Article 14 pertaining to wives, and in Article 6 pertaining to children.

11. The loss of citizenship in the cases expressed in the preceding articles do not relieve from military service nor from the punishments inflicted on those who bear arms against the country.

12. A citizen who has lost citizenship in any of the modes expressed in Article 10 may recover the same :

(1) By return to the Kingdom by special permission of the government;

(2) By renunciation of the acquired citizenship, rejection of public office or military service abroad ;

(3) By declaration within a year after return before the public officials of the place in which he intends to fix or has fixed his domicile.

13. A citizen female who marries an alien becomes an alien ; by the fact of marriage she acquires the citizenship of her husband. In widowhood she can reacquire by return to the Kingdom, and declaration before the public officials of the place where she intends to fix or has fixed her domicile that such is her intention.

14. Acquisition and loss of citizenship as expressed in the preceding cases does not take effect until the day following the act done according to the established forms and conditions.

EMPIRE OF JAPAN.

NATIONALITY.

LAW OF 1893.

SECTION I

Acquisition of Nationality.

7. A child of a Japanese is Japanese, even though born in a foreign country.

Where the nationality of the father and mother of a child is different, the nationality of such child is determined by that of the father.

A child whose father is unknown follows the nationality of the mother.

A child whose father and mother are unknown is Japanese when born in Japan. If the birth-place of the child is unknown, such child who is present in Japan is Japanese.

8. A child can elect the nationality of Japanese:—

(1) Where the mother is Japanese, although the father is a foreigner;

(2) Where born in Japan of a foreigner;

(3) Where born of a person who has lost the nationality of Japanese, after such loss of the nationality;

(4) Where born of a naturalized person, and is a major.

9. A child who intends to elect the nationality of Japanese shall declare such intention within one year after he or she has attained the majority in accordance with the law of the country to which he or she belongs, and shall fix his or her domicile in Japan within one year after such declaration.

A natural child acknowledged by a foreigner after he or she has attained the majority can make such declaration within one year after such acknowledgment, and a child of a naturalized person can make it within one year after naturalization has taken place.

10. A foreign woman who marries a Japanese acquires the nationality of Japanese, and keeps it even after the dissolution of such marriage.

11. A foreigner can acquire the nationality of Japanese by naturalization, the conditions and formalities of which are provided for by special law.

The wife and minor child of a naturalized person acquire the nationality of Japanese when they have fixed their residence in Japan.

SECTION II.

Loss and Recovery of Nationality.

12. A Japanese loses his or her nationality : —

(1) When he or she has voluntarily acquired the nationality of a foreigner ;

(2) When he or she has accepted an official employment under a foreign government, or entered into the service of a foreign army or navy, without obtaining the sanction of the Japanese government.

13. Where a person who has lost the nationality of Japanese in the cases of the preceding article intends to

recover the same, he or she recovers it when he or she, after coming back to Japan, with the sanction of the Japanese government, declares such intention, and fixes his or her domicile in Japan within one year thereafter.

14. The wife and minor child of a person who has lost the nationality of Japanese lose the nationality of Japanese unless they reside in Japan continuously. The wife can, however, recover the same in accordance with the provision of the second paragraph of Article 15, and the minor child in accordance with the provision of the first paragraph of Article 9.

15. A Japanese woman who marries a foreigner loses the nationality of Japanese.

She, however, recovers the same when, after the dissolution of such marriage, she resides in Japan, or returns to Japan and declares to fix her domicile in Japan.

SECTION III.

Formalities for and Effects of Changes of Nationality.

16. The declaration relating to changes of the nationality shall be made in Japan to the civil status official of the place of residence, and in a foreign country to the Japanese Legation or Consulate.

Such declaration may be made by a special agent.

17. Changes of the nationality are only operative in future.

18. The nationality is determined at the time of birth. Where, however, any change has taken place in the nationality of the father or mother during the time from conception to birth, the child keeps the nationality of Japanese in so far as the latter resides in Japan.

REPUBLIC OF LIBERIA.

AN ACT OF NATURALIZATION ADMITTING ALIENS TO
BECOME CITIZENS OF THE REPUBLIC OF LIBERIA. LAW
OF 1876.

Whereas it is apparent and absolutely necessary from past experience in the political history of Liberia that some uniform system should be inaugurated which will facilitate the growth of our infant country ; and *whereas* the necessity for the 12th and 13th sections of Article 5 of the Constitution of Liberia no longer exists ; therefore,

It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled : —

SECTION 1. That after the first day of January, A. D. 1878, aliens may be admitted to become citizens of the Republic of Liberia in the following manner and not otherwise. The applicant for citizenship shall declare on oath before any one of the Clerks of the Courts of Quarter Sessions and Common Pleas of the respective counties of this Republic, one year at least prior to his admission, that it is *bona fide* his intention to become a citizen of the Republic of Liberia, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject, and for which service the applicant shall pay the clerk fifty cents.

SECT. 2. The alien shall at the time of his application to be admitted, declare on oath before one of the Clerks of Court as above specified, that he will support the Con-

stitution of the Republic of Liberia, and that he absolutely and entirely renounces and abjures all fealty to every foreign prince, potentate, state, or sovereignty, and especially by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject, which proceeding shall be recorded by the Clerk of Courts (in a suitable book provided by Government for said purpose), and it shall be the duty of the Clerk of the Court before whom said alien shall have taken the oath of allegiance and abjuration to be fully satisfied that every such alien has resided in the Republic of Liberia at least three years prior to his application for citizenship; that during said time the applicant has behaved as a man of good moral character; that he is attached to the principles of the Constitution of the Republic of Liberia, and well disposed to the good order and happiness of the same. Provided, nevertheless, the oath of the applicant shall in no case be allowed to prove his time of residence in the Republic.

SECT. 3. It is further enacted that the Secretary of State shall furnish each Clerk of Courts with a proper form of application and oath, and the applicant shall be required to sign a copy of said form of application, and said copy shall be transmitted to the Secretary of State to be duly filed in his office. And it shall be the duty of the Clerk of Courts to strictly conform to the forms of application and oath as shall be furnished them by the Secretary of State.

SECT. 4. It is further enacted that it shall be the duty of the Clerks of Court to transmit forthwith to the Secretary of State an authenticated copy from the records of his office of the nature of the oath of allegiance and abjuration of the applicant for citizenship.

SEC. 5. It is further enacted that the provisions of this Act shall not take effect until after the first Monday in January, A. D. 1878.

Approved January 27, 1876.

MEXICO.

LAW ABOUT FOREIGNERS AND NATURALIZATION.

Promulgated April 2, 1892.

CHAPTER FIRST.

OF MEXICANS AND OF FOREIGNERS.

ARTICLE FIRST.

Mexicans are:—

1. Those born in the national territory of fathers Mexicans by birth or naturalization.

2. Those born on the national territory of Mexican mother, and of father who may not be legally recognized according to the laws of the Republic; and those are similarly considered who are born of parents unknown or of unknown nationality.

3. Those born outside of the Republic, of Mexican father who has not lost his nationality. Should this have happened, the sons shall be reputed foreigners; being able, however, to choose the character of Mexicans within one year following the day on which they complete 21 years, provided, however, that they make the respective declaration before the diplomatic or consular agents of the Republic, if they should reside outside of

it, or before the Department of Foreign Relations, if they should reside in the national territory. If the sons of whom the present clause treats should reside in the national territory, and on attaining to their majority should have accepted any public employment or served in the army, marine, or national guard, they shall for these acts be considered as Mexicans without other formalities.

4. Those born outside of the Republic, of Mexican mother, should the father be unknown and she should not have lost her nationality according to the provisions of this law. If the mother should have been naturalized in a foreign country her sons shall be foreigners; but they have the right to choose the character of Mexicans, exercised in the same terms and conditions which are stipulated in the preceding clause.

5. Mexicans who having lost their nationality according to the provisions of this law, may recover it by complying with its requirements, according to the different cases of which it treats.

6. The foreign woman who marries a Mexican retains her nationality even during her widowhood.

7. Those born outside of the Republic, but who resided in it in 1821, swore to the Act of Independence, and have continued their residence in the national territory and have not changed their nationality.

8. Those Mexicans who, residing in the territory ceded to the United States by the treaties of February 2, 1848, and 30th of November, 1853, fulfilled the conditions exacted by those treaties in order to preserve their Mexican nationality. Those Mexicans are similarly considered who continue residing in the territory which belongs

to Guatemala, and those citizens of that Republic who remain in the territory which belongs to Mexico, according to the treaty of the 27th of September, 1882, provided that they comply with the provisions stipulated in Article 4 of the same treaty.

9. Those foreigners who are naturalized according to this present law.

10. Those foreigners who acquire real estate in the Republic, provided they do not declare their determination to preserve their nationality. In the act of making the acquisition the foreigner shall manifest to the respective notary or judge whether or not he desires to obtain the Mexican nationality, which the Fraction 3 of Article 30 of the Constitution grants to him, making appear in the writing the determination of the foreigner on this point. If he elect the Mexican nationality or omits to make any declaration on the subject, he may go to the Department of Foreign Relations within one year, to fulfil the requirements expressed in Article 19, and be held as Mexican.

11. Foreigners who have children born in Mexico, provided they do not prefer to preserve their character as foreigners. In the act of making the inscription of the birth the father shall manifest before the judge of the Civil Register his will respecting this point, which shall be made to appear in the same act; and if he should choose the Mexican nationality, or omit to make any declaration on the subject, he may go to the Department of Foreign Relations, in order to comply with the requirements expressed in Article 19, and be held as Mexican.

12. Those foreigners who serve the Mexican Government officially, or who accept from it titles or public

offices, provided that within one year after having accepted the titles or public offices, or after having commenced to serve the Mexican government officially, go to the Department of Foreign Relations in order to fulfil the requirements which are expressed in Article 19, and to be Mexicans.

ARTICLE SECOND.

1. Who are born outside of the national territory, are subjects of foreign government, and who have not been naturalized in Mexico.

2. The sons of foreign father, or a foreign mother and of unknown father, born in the national territory, until arriving at the age at which according to the law of the country of their father or mother, respectively, they would be of age, who have passed one year after attaining that age, without manifesting to the civil authorities of their place of residence that they would retain the nationality of their parents, are considered as Mexicans.

3. Those absent from the Republic without license or commission from the Government, or on account of studies, or of public interest, of the establishment of commerce or industry, or of the practice of a profession, who permit ten years to pass without asking permission to extend their absence. This permission shall not exceed five years, after the concession of the first, there being good and sufficient cause for obtaining other permission.

4. Mexican women who marry foreigners, who retain their character as foreign citizens even during their widowhood. The marriage being dissolved, the women

of Mexican origin can recover their nationality provided that, besides establishing their residence in the Republic, they should manifest before the civil judge of the State in which they reside their resolution to recover their nationality. The Mexican woman who does not by marriage acquire the nationality of her husband according to the laws of this country shall preserve her own nationality. The change of nationality of the husband after marriage involves also the same change of the nationality of the wife, and her minor children subject to paternal authority, provided they reside in the country of the naturalization of the husband or father respectively, save the exception established in the preceding clause of this section.

5. Mexicans who are naturalized in other countries.

6. Those who serve officially foreign governments in any employment, whether political, administrative, judicial, military, or diplomatic, without license of Congress.

7. Those who accept foreign decorations, titles, or offices without previous permission from the Federal Congress, except literary, scientific, and humanitarian titles, which may be accepted freely.

ARTICLE THIRD.

In order to determine the place of birth, in the cases mentioned in the preceding articles, it shall be declared that national ships without any distinction are a part of the national territory, and those who are born on board of them are considered as born within the Republic.

ARTICLE FOURTH.

In virtue of the right of extra-territoriality which diplomatic agents enjoy, the sons of Ministers and employés of the legations of the Republic cannot be considered as born out of the country for the effect of this law.

ARTICLE FIFTH.

The nationality of persons or moral entities is regulated by the law which authorizes their formation ; consequently all those which are constituted according to the law of the Republic are Mexicans, provided that besides they have their legal residence in it. Moral foreigners enjoy in Mexico the rights which the laws of their own country grant to them, provided said laws are not contrary to the laws of this nation.

CHAPTER SECOND.

OF EXPATRIATION.

ARTICLE SIXTH.

The Republic of Mexico recognizes the right of expatriation as natural and inherent to every man, and necessary for the enjoyment of individual liberty : consequently, therefore, it permits its inhabitants to exercise that right, so that they can go out of its territory and establish themselves in foreign countries ; it also protects that right which foreigners of all nationalities have to come and settle within its jurisdiction. The Republic, therefore, receives the subjects or citizens of other States, and naturalizes them according to the provisions of this law.

ARTICLE SEVENTH.

Expatriation and naturalization consequently obtained in a foreign country, does not exempt the criminal from extradition, judgment, and punishment, to which he is subject according to treaties, international practice, and the laws of the country.

ARTICLE EIGHTH.

Naturalized citizens of Mexico, although they find themselves in a foreign country, have the right to equal protection of the Government of the Republic, which Mexicans by birth enjoy, whether it treats of their person or property. This does not prevent them from being subject to responsibilities incurred in their native country, before their naturalization (if they should return thither), according to the laws of their country.

ARTICLE NINTH.

The Mexican Government shall protect, by the means authorized by international law, Mexican citizens in foreign countries. The President, when he considers it proper, shall use those means, provided they do not constitute acts of hostility ; but if diplomatic intervention should not suffice, and such methods should be insufficient, or if the violation of the Mexican nationality should be so grave that they demand more severe measures, the President shall then give account to Congress, with the relative documents for constitutional effects.

ARTICLE TENTH.

The naturalization of a foreigner becomes without effect by his residence in the native country during two years, unless it be for the purpose of discharging an official commission of the Mexican Government, or with its permission.

CHAPTER THIRD.

OF NATURALIZATION.

ARTICLE ELEVENTH.

Every foreigner can be naturalized who complies with the requirements of his law.

ARTICLE TWELFTH.

At least six months before soliciting naturalization, he must present himself by writing to the Ayuntamiento of the place of his residence, manifesting to it this design to become a Mexican citizen and to renounce his foreign nationality. The Ayuntamiento shall give him a certified copy of that manifestation, keeping the original in its archives.

ARTICLE THIRTEENTH.

Past those six months, and when the foreigner shall have completed two years of residence in the Republic, he can ask of the Federal Government that it grant him this certificate of naturalization. In order to obtain it he must previously present himself before the district judge under whose jurisdiction he finds himself, offering to prove the following facts: —

1. That according to the law of his country he enjoys the fulness of civil rights by being of age ;
2. That he has resided in the Republic at least two years, observing good conduct ;
3. That he has a trade, industry, profession, or income from which to live.

ARTICLE FOURTEENTH.

To the petition which he presents to the district judge, asking that he may make that information (statement), he shall add the certified copy issued by the Ayuntamiento of which Article 12 treats ; he shall also accompany it with an express renouncement of all submission, obedience, and fidelity to every foreign government, and especially to that of which he had been a subject, to all foreign protection against the laws and authorities of Mexico, and to all rights which treaties or international laws concede to foreigners.

ARTICLE FIFTEENTH.

The judge of the district, after the ratification which he makes of the petition of the interested party, shall order received the information of witness in the presence of the fiscal promoter, upon the points to which Article 13 refers, and may obtain by request, if he esteems it necessary, the report respecting them which the Ayuntamiento should give, and of which Article 12 speaks. The judge shall equally admit other proofs which bear upon the points indicated in Article 13. The interested party shall present, and shall ask of the fiscal promoter his opinion.

ARTICLE SIXTEENTH.

The same judge, in case his declaration to the petitioner, shall remit the original official document to the Department of Foreign Relations, in order that it may issue the certificate of naturalization, if in his judgment there is no legal cause which prevents it. By the conduct of the said judge, the interested party shall present a petition to that department asking of it the certificate of naturalization, ratifying his renunciation of his character as foreigner, and protesting his adhesion to obedience and submission to the laws and authorities of the Republic.

ARTICLE SEVENTEENTH.

Foreigners who serve in the National Mercantile Marine may be naturalized, one year of service on board being sufficient instead of two years which Article 18 requires. In order to make use of the means of naturalization, the judge of the district of any port which the ship may touch will be competent, and likewise any Ayuntamiento of these ports can receive the manifestation of which Article 12 treats.

ARTICLE EIGHTEENTH.

Those foreigners who are naturalized by virtue of the law and those who have the right to choose the Mexican nationality are not included in the requirements of Articles 12, 13, 14, 15, and 16. Consequently, the children of a Mexican man or woman who has lost his or her citizenship, to whom Fractions 3 and 4 of Article 1 refer, the foreign woman who marries a Mexican of whom Fraction 6 of the same article speaks, the children of

a foreign father or of a foreign mother or unknown father, born in the national territory, of whom Fraction 2 of Article 2 treats, and the Mexican widow of a foreigner of whom Fraction 4 of the same article speaks, are held as naturalized for all legal effects, by complying only with the requirements specified in these provisions, without the necessity of other formalities.

ARTICLE NINETEENTH.

Foreigners who are in the conditions mentioned in Fractions 10, 11, and 12 of Article 1, can go to the Department of Foreign Relations in demand of their certificates of naturalization within the term which said fractions express. A document shall accompany their petition showing that they have acquired real estate, or have children in Mexico, or have accepted some public employment as the case may be. They shall present, besides, the renunciation and protest which Articles 14 and 16 exact in regard to ordinary naturalization.

ARTICLE TWENTIETH.

The absence in a foreign country with permission of the Government does not interrupt the residence which Article 13 requires, provided it does not exceed six months in two years.

ARTICLE TWENTY-FIRST.

Certificates of naturalization are not granted to subjects or citizens of a nation with which the Republic finds itself in a state of war.

ARTICLE TWENTY-SECOND.

Neither shall they be given to those reputed and judicially in other countries to be pirates, slave dealers, incendiaries, counterfeiters of money, bank bills, or other papers which takes the place of money, nor assassins, blackmailers, or thieves. Naturalization which a foreigner may have obtained fraudulently in violation of law, is clearly null.

ARTICLE TWENTY-THIRD.

Certificates of naturalization are issued gratuitously, without the power to charge for them any fee in form of cost, register, seal, or with any other name.

ARTICLE TWENTY-FOURTH.

The act of naturalization being purely personal, only with special authority sufficient for that act, and which contains the renunciation and protest which the interested person himself personally must make according to Articles 14 and 16, can he be represented; but in no case can the power of attorney supply the want of actual residence of the foreigner in the Republic.

ARTICLE TWENTY-FIFTH.

The quality of national or foreigner is not transmissible to third persons. Consequently, neither can a national enjoy the rights of a foreigner, nor the latter the rights of the former, by reason of one or the other (qualification) quality.

ARTICLE TWENTY-SIXTH.

The change of nationality does not produce retroactive effect. The acquisition or restoration of the rights of a Mexican does not supply its effect except after the day following that on which the conditions and formalities established in this law for attaining naturalization have been fulfilled.

ARTICLE TWENTY-SEVENTH.

Colonists who come to the country by virtue of contracts celebrated by the government, and whose travelling expenses and instalment are paid by it, are considered Mexicans. In their contract of enrolment shall appear their resolutions renouncing their primitive nationality themselves; in the colony they shall present before the competent authority the renunciation and protests required by Articles 23 and 16. This shall be remitted to the Minister of Foreign Relations, in order that he may issue a certificate of naturalization in favor of the interested person.

ARTICLE TWENTY-EIGHTH.

Colonists who come to the country on their own account or on account of companies or private enterprises, subsidied by the government, as well as emigrants of any class, may be naturalized in their case according to the provisions of this law. Colonists established up to-day, are subject to them in all that is not contrary to the rights which they have acquired according to their contracts.

ARTICLE TWENTY-NINTH.

The naturalized foreigner will be a Mexican citizen as soon as he unites the conditions exacted by Article 34 of the Constitution, being equal in all his rights and obligations with the Mexicans, but shall be incapable of discharging those offices or employments which, according to the laws, require nationality by birth, or not being born within the national territory, and his naturalization has been accomplished according to Fraction 2 of Article 2.

CHAPTER FOURTH.

OF THE RIGHTS AND OBLIGATIONS OF FOREIGNERS.

ARTICLE THIRTIETH.

Foreigners enjoy in the Republic the civil rights which pertain to Mexicans and the guaranties granted in Section 1, of Title 1, of the Constitution, except that faculty which the government has to expel pernicious foreigners.

ARTICLE THIRTY-FIRST.

In the acquisition of national public lands, of real estate and ships, foreigners shall not have the necessity to reside in the Republic, but shall be subject to the restrictions which the laws in force impose, with the understanding that every lease of real estate made to a foreigner shall be considered as a conveyance, provided that the term of contract exceeds ten years.

ARTICLE THIRTY-SECOND.

Only the Federal law can modify or restrict the civil rights which foreigners enjoy, on the principle of National Reciprocity and in order that they remain subject in the Republic to the same incapacities which the laws of their country impose on Mexicans who reside in it; consequently, the provisions of the Civil Code, and of the proceedings of the district, on this matter, have the character of Federal, and shall be obligatory in all the Union.

ARTICLE THIRTY-THIRD.

Foreigners losing their nationality may make their homes in the Republic from all legal effects. The acquisition, change, or loss of homestead are governed by the laws of Mexico.

ARTICLE THIRTY-FOURTH.

The suspension of individual guaranties being declared in the terms which Article 29 of the Constitution permits, foreigners remain subject as Mexicans are to the provisions of the law which decrees the suspension, save the stipulations of treaties.

ARTICLE THIRTY-FIFTH.

Foreigners have the obligation to contribute to the public expenses in the manner provided by the laws, and to obey and respect the institutions, laws, and authorities of the country, subjecting themselves to the decrees and sentences of the tribunals, without being able to resort to other recourses than those which the laws concede to

Mexicans. Only can they appeal to diplomatic procedure in case of the refusal of justice, or of voluntary delay in its administration, after exhausting in vain the common recourses created by the laws and in the manner determined by international law.

ARTICLE THIRTY-SIXTH.

Foreigners do not enjoy the political rights which pertain to Mexicans; therefore they cannot vote nor be voted for any offices of popular election, or be appointed to any other employment or commission peculiar to the affairs of state, nor belong to the army, marine, or national guard, nor associate themselves in order to engage in the political affairs of the country, nor exercise the right of petition in this class of affairs. This is understood without prejudice to the provision of Article 1, Fraction 12, and Article 19 of this law.

ARTICLE THIRTY-SEVENTH.

Foreigners are exempt from military service. Those having homes, have, however, the obligation to do police service when the security of property and the preservation of order of the same town in which they reside are involved.

ARTICLE THIRTY-EIGHTH.

Foreigners who take part in the dissensions of the country may be expelled from the territory as pernicious foreigners, being subject to the laws of the Republic for crimes which they commit against it, and without preventing that their rights and obligations during the state of war should be governed by international law, and by treaties.

ARTICLE THIRTY-NINTH.

The laws are abolished which established the matriculation of foreigners. Only the Minister of Foreign Relations can issue certificates of nationality determined in favor of the foreigners who solicit them. These certificates constitute legal presumption of foreign citizenship, but do not exclude proof to the contrary. The definite proof of a determined nationality is made before the competent tribunals, and by the means which the laws or treaties establish.

ARTICLE FORTIETH.

This law does not concede to foreigners rights which international law, treaties, or the legislation in force in the Republic denies to them.

MONACO.

ORDINANCE OF JULY 8, 1877.

ARTICLE 1. Every individual in the principality of an alien who himself was born here is a subject of the Prince, unless during the year which followed majority, which age is fixed by the Civil Code, he did not reclaim the quality of an alien by a declaration made before the municipal authorities; his children are necessarily subjects of the Prince.

ART. 2. All individuals who after majority have maintained their domicile in the principality for ten years are

eligible to solicit the quality of a subject of the Prince, and can obtain the same by royal ordinance. One can be excepted from these conditions by special favor.

ART. 3. The benefits of Article 2 of the ordinance of April 1, 1822, which accorded the quality of a subject of the Prince to all individuals who after majority had their domicile in the principality for ten years can be reclaimed by one within a year by declaration before the municipal authorities of intention to fix his domicile permanently in the principality.

4. Article 2 of Ordinance of April 1, 1822 is abrogated.

NETHERLANDS.

LAW RELATING TO NETHERLANDS CITIZENSHIP, 1893.

ARTICLE 1. A Netherland's citizen by birth is:—

a. The legitimate, legitimatized, or acknowledged child of any man who at the time of the birth of the child was a Dutch citizen;

b. The legitimate child of a Dutchman whose death occurred within the three hundred days immediately preceding the birth of the child;

c. The acknowledged illegitimate child of any woman who at the time of the birth of the child was a Dutch subject;

d. Any illegitimate child born within the Kingdom and not acknowledged by either father or mother.

ART. 2. A Netherlands citizen is:—

a. Any child born in the Netherlands, the offspring of a resident of the Kingdom (either father or mother

according to the rules of Article 1), the said father or mother being the child of a resident of the Kingdom, unless it can be shown that the parent or parents of the child are foreign subjects.

b. Any foundling or deserted child in this Kingdom, provided there be no evidence of parentage, or evidence that it is the legitimate, legitimized, or acknowledged child of any person.

ART. 3. Naturalization in the Netherlands can only be acquired by special law.

Every application for naturalization shall be accompanied by the payment of 100 fl. into the Royal Treasury.

Every application for naturalization must be accompanied by a certificate showing: —

1. That the applicant has attained to the age of majority under the Dutch law.

2. That he has either lost his citizenship, or has resided in the Kingdom, its colonies or possessions in other parts of the world, for the five consecutive years immediately preceding the date at which the application is made.

3. That he has deposited with the proper receiver of registration the sum of 100 fl.

And further, where the applicant is a foreigner, it may be necessary that he show that the laws of his country do not bar his naturalization in the Netherlands.

In cases where naturalization is not granted the 100 fl. deposit shall be returned to the applicant.

ART. 4. Naturalization may be granted for reasons of state. In such cases the provisions of Article 3 have no application.

The law granting this right of naturalization specifies in every such case the conditions on which it is bestowed.

ART. 5. A married woman shall be accounted of the same nationality as her husband during marriage.

No married woman shall make application for naturalization.

Naturalization granted to a married man extends by operation of law to his wife.

In cases of dissolution of marriage the provisions of Articles 8 or 9 come into force.

ART. 6. The legitimate, legitimized, or acknowledged child of a naturalized Dutch citizen, and born previous to the father's naturalization, is also included in the act of naturalization, and continues to be regarded as a Dutch citizen after attaining majority, unless the said child, within twelve months after coming of age, notifies the burgomaster, or the proper authority of the place where it last resided in the Kingdom, its colonies or possessions in other parts of the world, or in lieu thereof the Dutch Minister or official in the foreign country, that it no longer desires to be considered a Dutch citizen.

This provision applies in like case to the child of a widow who becomes naturalized after her husband's decease and the birth of the child.

ART. 7. Netherlands citizenship shall be forfeited :

1. When a Dutch subject becomes naturalized in a foreign country, or in case of minors by participation in the naturalization of either father or mother (see the distinctions made in Article 1) ;
2. By marriage in the case of a woman (see Article 5) ;
3. By voluntary naturalization in a foreign country ;
4. By entering the service of the army of a foreign power without special Royal permission ;

5. By residence outside Dutch territory, provided such residence be not in an official capacity, for a period exceeding ten consecutive years, in cases where the person in question fails to notify the burgomaster or proper authority of the place where he last resided in the Kingdom, its colonies or possessions in other parts of the world, or in lieu thereof the Dutch Minister or consular official in the foreign country, that it is not his intention to abandon citizenship.

Such notification dates the commencement of a new period of ten years.

The ten years' period shall commence for minors from the day on which they attain majority according to the Dutch law.

ART. 8. Any woman who has forfeited her nationality by marriage may recover the same in case of dissolution of marriage by making application to the burgomaster, or proper authority, of the place where she last resided in the Kingdom, its colonies or possessions in other parts of the world, or in lieu thereof to the Dutch Minister or consular official in the foreign country, within a period not exceeding one year after the dissolution of the marriage.

ART. 9. Any woman who has become a Dutch citizen by marriage remains such in case of dissolution of marriage, unless she notifies the burgomaster, or proper authority, of the place where she last resided in the Kingdom, its colonies or possessions in other parts of the world, or in lieu thereof the Dutch Minister or consular official in the foreign country, of her desire to the contrary, within a period not exceeding one year from the date of dissolution of the marriage.

ART. 10. The legitimate, legitimized, or acknowledged child of a Dutch citizen, born previous to the parent's naturalization in a foreign country, and having consequently participated in the forfeiture of citizenship, may recover the same by applying therefor to the burgomaster, or proper authority, of the place where the child last resided in the Kingdom, its colonies or possessions in other parts of the world, or in lieu thereof to the Dutch Minister or consular official in the foreign country, within one year of attaining majority according to the Netherlands law.

This provision applies in like case to the child of a Dutch woman who becomes naturalized in a foreign country after her husband's decease, or after the birth of the child.

ART. 11. Once a year the Minister of Justice shall publish in the Official Organ ("de Staatscourant") the notifications made under the provisions of this law.

ART. 12. All persons who are not Dutch citizens according to this law are foreigners.

ART. 13. All persons who have resided in the Kingdom, its colonies or possessions in other parts of the world, for the last eighteen months, become residents of the Kingdom.

ART. 14. All rights accorded residents of the Kingdom cease on the removal of such persons to a new domicile outside the Kingdom.

ART. 15. Any minor under Dutch law, whose father or guardian is a resident of the Kingdom (see Article 13), has the same status as the father or guardian in that respect; and should he after attaining majority establish a domicile in the Kingdom, he continues to be a resident thereof.

ART. 16. Wherever in any laws provisions exist relating to the privileges of residents of the Kingdom, such provisions shall be only applicable to the subjects treated of in those laws.

SUPPLEMENTARY PROVISIONS.

With exception of those who, by the law of September 2, 1854, are regarded in the Netherlands Indies as natives, or on an equal footing with natives, all persons who, at the time at which this law comes into operation, have the status of Netherlands citizens, continue as such until they forfeit their citizenship by the provisions of the same.

All persons residing outside the Kingdom, its colonies or possessions in other parts of the world, shall date the commencement of the period mentioned in Article 7, clause 5, from the day on which this law comes into operation.

Any person born in the Kingdom, the child of parents not residents in the Kingdom, and not twenty-four years of age when this law comes into force, may become a Dutch citizen by notifying the burgomaster of the place where he resides within twelve months therefrom, or within a year of his attaining his majority, of his intention to remain in the Kingdom.

Foreigners who, at the time when this law comes into force, have conformed to the requirements of Article 8 of the Civil Code, shall possess equal rights as Netherlands citizens in so far as relates to civil rights and privileges accorded by Article 19 of the law of August 13, 1840.

FINAL PROVISIONS.

With exception of reservations made in the aforementioned provisions the law repeals Articles 5 to 12 inclusive of the Civil Code, as also the laws of July 28, 1850, May 3, 1851, and the law of December 21, 1850.

Wherever the law speaks of "Netherlands citizens," either in the language of the Civil Code or the law giving effect to Article 7 of the Constitution, the said words shall be changed to "Netherlands citizens as defined in the law relating to Netherlands citizenship and residentship;" except in Article 22 of the law of April 6, 1875, where the words "According to the Civil Code" shall be changed into "According to the law relating to Netherlands citizenship and residentship," the same applying to persons born of parents residing in the Netherlands colonies or possessions in other parts of the world.

The law shall take effect from and after July 1, 1893.

NICARAGUA.

NATURALIZATION LAWS IN NICARAGUA, 1890.

The power to grant to foreigners the Nicaraguan citizenship is vested by the Constitution of the country (Article 41, No. 9), in the Nicaraguan Congress.

But by an Act of that Congress approved March 12, 1861, naturalization can be obtained also by means of extreme simplicity, through a resolution of a municipal body, or city corporation (Municipalidad), of the locality

where the applicant proposes to establish his domicile, or by decree of the local authority of the same place, if such municipal corporation does not exist in it.

If the applicant is a Central American, no other thing will be required from him than the proof that he has resided for one year within the limits of Nicaragua. Upon sufficient evidence, to the satisfaction of the naturalizing authority, both of the Central American character of the applicant and of his one year's residence in Nicaragua, an order shall be entered declaring him a citizen of Nicaragua.

But if the applicant is either a Spanish American, other than one born or naturalized in Central America, or an alien of any other nationality whatsoever, the process of naturalization has two stages : One, preliminary, consisting of a declaration of intention made before the same municipal bodies, or local authorities, referred to in the case of Central Americans ; and another, final, which consists of the taking of the final papers.

Spanish Americans have to declare their intention to become citizens of Nicaragua one year previous to their admission, and prove additionally that they have resided two years in the country.

All other foreigners have to declare their intention to become citizens of Nicaragua two years before their admission, and prove additionally that they have resided four years in the country.

The declarations of intention shall be entered on a book to be preserved by the municipal body, or local authority, of the place, as the case may be ; and certified copies of the entries therein made shall be furnished, whenever asked for, to the interested parties.

Whenever a declaration of intention to become a citizen of Nicaragua has been entered by any applicant on the above-named book, it shall be the duty of the municipal body, or of the local authority, as the case may be, to report the fact to the Prefecto (Governor) of the province.

Upon the completion of the period of two years for Spanish Americans, and of four for all other aliens, and the filing of the certificate which shows the declaration of intention as aforesaid, an order shall be entered admitting the applicant to the Nicaraguan citizenship.

A certificate, under the signature of the clerk of the municipal body, or of the local authority, as the case may be, shall be full evidence of citizenship.

PORTUGAL.

DECREE OF SEPTEMBER 22, 1836, REGULATING THE MODE BY WHICH NATURALIZATION IS OBTAINED IN PORTUGAL.

ARTICLE 1. Aliens can obtain letters of naturalization and enjoy the rights and prerogatives of Portuguese subjects in conformity with the political Constitution of the monarchy according to the following conditions : —

1. Upon completion of the twenty-fifth year of age ;
2. After continued residence for two years in the Kingdom ;
3. On evidence of ability to support themselves.

ART. 2. Portuguese subjects who have become Brazilians can recover their citizenship by declaration in writing before the municipal authorities. The declaration

should be made within two months from the date of the publication of this decree, in case Brazilian nationality has been acquired after taking up residence on Portuguese territory.

In cases where Portuguese subjects have become citizens in other foreign countries, citizenship can be re-acquired by return and resumption of residence in the Kingdom on declaration made in form prescribed.

ART. 3. Aliens who can produce evidence of descent from Portuguese can be naturalized without requirements provided in Article 1; in case of descent from a male or female of Portuguese blood, upon acquisition of residence in the territory of the Kingdom.

ART. 4. The government can dispense with the requirements of Article 1, as to aliens who can comply with the following conditions: —

1. Who marries a Portuguese subject female;
2. Who expresses his adhesion to the representative authorities;
3. Who with his own money undertakes some commercial enterprise of benefit to the Kingdom;
4. Who introduces some invention of benefit to agriculture or some industry;
5. Who establishes some manufactory in the Kingdom;
6. Who does some act of public benefit to the subjects of the Kingdom.

ART. 5. Letters of naturalization are granted by the government under certification of the Secretary of Foreign Affairs for the Kingdom.

The taxes and emoluments required under the tax rate appended hereto, and made part of this decree, must

be paid by the applicant, as a prerequisite to the issue of the letters of naturalization.

ART. 6. The letters of naturalization must be registered in the Royal Palace of Affairs, and again in the municipal chambers of the place in which the alien has established his residence, as a prerequisite to the oath of fidelity to the reigning King or Queen and to the constituted political monarchy.

Naturalization of the alien dates from the day he takes the oath of fidelity.

CODE CIVIL.

Naturalization is governed by the principles laid down in the decree of Sept. 22, 1836.

According to Article 19 of the Code Civil, naturalization can be granted to aliens on the following conditions : —

1. To aliens who are of age according to the laws of their country and of Portugal ;
2. To aliens who have means of subsistence or are capable of earning a livelihood by their work ;
3. To aliens who have resided at least one year in the Kingdom.

NATURALIZATION IN ROUMANIA.

CONSTITUTION, REVISION OF 1879.

ARTICLE 7. The difference in religious beliefs and confessions in Roumania are no impediment to the acquisition of civil and political rights, and the exercise of the same.

Par. I. Aliens without distinction of religion, subject or not subject to foreign protection, can be naturalized pursuant to the following conditions: —

a. The applicant addresses to the government a demand for naturalization, indicating in the same the amount of capital which he possesses, the profession which he exercises, and the desire to establish his domicile in Roumania.

b. Pursuant to this demand, he must inhabit the country for a period of ten years, and prove by his conduct and by his acts that he is useful.

There are exceptions to this rule: —

1. Those who have imported into the country industries, useful inventions, or distinguished talents, or who have established in the country grand commercial industries;

2. Those who, being born and raised in the country of parents established in the country, have never enjoyed alien protection;

3. Those who served under the flag during the war of independence, and who can be naturalized by one act collectively, on the proposition of the government, by one law, and without other formalities.

Naturalization, as a rule, cannot be accorded except by law and in individual cases.

The acquisition of a domicile by an alien is established by special laws.

CODE CIVIL, I.

ART. 8. Every individual born and raised in Roumania up to majority, and who has never been subject to an alien power, can claim the quality of Roumania during the year following majority.

Those who find themselves in the aforementioned condition, and have reached majority prior to the promulgation of this code, have the term of one year from the promulgation within which to claim Roumanian citizenship. Children found on Roumanian soil of father and mother unknown are Roumanians.

ART. 9. Those who are not Christians cannot acquire the quality of Roumanian citizens except by compliance with the conditions set out in Article 16 following.

ART. 10. Every child born of a Roumanian in a foreign country is Roumanian. Every child born of a Roumanian in a foreign country who has lost the quality of a Roumanian can always re-acquire this quality by compliance with the formalities prescribed in Article 18.

ART. 11. Aliens in Roumania enjoy the same civil rights as Roumanians enjoy except in cases where the law prescribes otherwise.

ART. 12. An alien female who marries a Roumanian will be considered a Roumanian.

ART. 13. An alien, although he has no residence in Roumania, can be called to justice in Roumania to fulfil obligations entered into by him in Roumania or abroad with a Roumanian.

ART. 14. A Roumanian can be called to justice in Roumania for obligations entered into by him in a foreign country, even with an alien.

ART. 15. An alien who seeks naturalization in Roumania must demand the naturalization by a petition addressed to the Sovereign, and set out in the same the amount of his fortune, the profession he exercises, and the desire to establish his domicile on Roumanian territory. If the alien after said demand shall inhabit the

country ten years, and if by his conduct and by his actions he shall have proved that he is useful to the country, the Legislative Assembly, on the invitation of the Sovereign, can accord him the letter of naturalization, which will be sanctioned and promulgated by the Sovereign.

In cases, the period of ten years can be dispensed with : where the alien has rendered important services ; where he has introduced into the country an industry, useful inventions, or distinguished talents, or has organized in the country grand commercial or industrial establishments.

CIVIL CODE, II.

LOSS OF CIVIL RIGHTS.

ARTICLE 16. (a) The quality of a Roumanian is lost by naturalization in a foreign country ;

(b) By acceptance without authorization of the Roumanian government of a public function under a foreign government ;

(c) By submission, no matter for what time, to a foreign subjection.

ART. 17. The Roumanian who has lost his quality of a Roumanian can reacquire the same on return to his country of origin with authority of the Roumanian government, and on declaration that he desires to establish himself in the country, and that he renounces all distinctions contrary to the law of Roumania.

ART. 18. A female Roumanian who marries an alien follows the condition of her husband. If she becomes a widow, she regains the quality of a Roumanian.

ART. 19. The Roumanian who, without the permission

of his government, enters the military service of a foreign country, loses the quality of a Roumanian. He cannot enter the country of Roumania without the permission of the government. He cannot reacquire the quality of a Roumanian except in conformity with Article 18, and has been exempted from the penalties of the criminal code for having taken and carried arms against the country.

RUSSIA.

UKASE OF MARCH 6, 1864, ON NATURALIZATION.

I. Articles of 1538 and 1558 of laws relating to acquisition by aliens and loss of citizenship by Russians are repealed, and the following substituted therefor: —

1. To obtain Russian naturalization an alien must primarily have established himself in Russia.

2. An alien who desires to establish himself on the territory of the Empire must make a declaration to that effect to the authorities of the province in which he has the intention to establish himself, and at the same time make known the nature of the occupation which he followed in his own country, and that which he purposes pursuing in Russia. The authorities of the province will then deliver him a certificate showing these facts, and from the date of the signature on the certificate to that of naturalization he remains subject to all the laws pertaining to aliens.

3. Aliens established in Russia prior to the promulgation of the present law, and who have made a reputation

of usefulness in the arts, sciences, commerce, or any profession, can prove their establishment in Russia by documents other than prescribed in Article 2. The earliest date shown by such documents will be considered as that of the establishment in Russia.

4. After an establishment of five years an alien may apply for naturalization. The cases in which the time may be shortened are given in Articles 11 and 14 following.

5. Alien females married cannot be admitted to naturalization independent of their husbands.

6. Russian naturalization is always personal, limited to the person to whom it is granted, with the exception given under Article 17 following, and does not extend to children, whether minors or of age, born prior to the date of the naturalization. The children born subsequent to the naturalization are considered to be Russians.

7. The request for naturalization must be made to the Secretary of the Interior, and contain the following: —

a. The places in Russia where the applicant has been domiciled during the period of his establishment in Russia, the occupations which he has followed, and the certificates which he can furnish showing his mode of living;

b. The class and the corporation in which he desires and has the right to be admitted;

c. The town or city in which he desires to take the oath;

d. In brief, in case request is made that the period of time be shortened, then the reasons therefor and the titles on which he claims this consideration must be given.

To the petition should be joined : —

a. The civil status of the applicant in form presented by the laws of his country and legalized by our diplomatic agents and the Minister of Foreign Affairs, or by the Minister himself if there are no diplomatic agents in his country.

b. A certificate of proof of applicant's establishment in Russia.

Aliens subject to conscription in their country, if they are subjects of a country with which there is a treaty of extradition by which they can be reclaimed for service, must produce a certificate showing that they have been exempted from military service, or have performed service under the conscription.

8. Upon receipt of request for naturalization the Minister of the Interior admits the applicant, or refuses him the right of naturalization even when he has complied with all the formalities required.

9. Naturalization is complete when the oath of submission has been taken by the applicant.

10. The oath of submission is taken in prescribed form by every applicant in his mother tongue, or in some other language which he understands, at an assemblage of the government authorities, with the hands between those of a minister of the religion which the applicant professes, or when no minister is present then before the superior functionary of the place in which the applicant is established.

The oath is signed by the official who administers the same, by the applicant who receives it, and by the functionaries present. After this the superior functionary addresses the letters of naturalization to the governor of the province, who delivers the same to the applicant.

The superior functionary can in his discretion insist that the oath be taken before the police authorities.

The oath may be taken at the foreign legation in cases which merit particular consideration.

11. The period required for establishment in Russia may be abridged, with the authority of the Secretary of the Interior, in favor of aliens who have rendered important services to Russia, or who are distinguished for remarkable talents or have placed large capital in enterprises beneficial to the country.

12. Alien children not naturalized Russians who are born, or have been educated in Russia, or who, although born abroad, have pursued their studies in educational institutions of a superior or secondary class in Russia, acquire by this fact the right to obtain Russian naturalization during the year following their majority.

Alien children educated in institutions which have the power to confer the right to enter the civil service may do so if the children so desire it, according to the rules of the civil service, without naturalization.

13. Alien children of age can be naturalized according to Articles 1 to 11, either simultaneously with their parents, or during the year following that of the naturalization of their parents, by presentation of documents required under Article 7, with the exception of a certificate of establishment.

14. Aliens in the military or civil service of Russia, or aliens invited by the Minister of Education to serve the Russian Empire, can be admitted to naturalization at any time by a decision of their superiors; the military in their regiments or corps, or public functionaries in their administration.

15. Russian subjects female who have married aliens are in consequence held to be aliens, and can on the death of the husband, or after divorce, recover the quality of Russians by presentation to the governor of the province evidence of their desire to establish their domicile in Russia, and proof of the dissolution of their marriage.

16. The children of a Russian subject who has married an alien and become a widow, or is separated by divorce, must conform to the terms of Article 12 in order to become Russians.

17. Aliens who marry Russian subjects, also alien females who are naturalized in Russia, become by these acts Russian subjects without taking the oath of submission. Widows and divorced women maintain the nationality of their husbands.

18. Special provisions which exist and regulate the mode of admission of alien colonists and of alien laborers to Russian subjection remain in full force.

Particular privileges accorded to certain categories of aliens are not abrogated; as, for example, those accorded to the Bulgarians, immigrants to Georgia, and other immigrants and co-religionists who have established themselves in New Russia, and to aliens who are registered in the bourgeoisie as immigrants from Poland to Russia.

19. Aliens naturalized subjects of Russia obtain the same rights and are subject to all the obligations without difference to which native-born citizens are subject.

20. Details relating to the naturalization of aliens in Russia and their denaturalization are determined by the Minister of the Interior in connection with the different

competent administrations of affairs, and published in the public journals.

II. Simultaneously with the publication of the foregoing the following dispositions are ordered:—

1. Aliens naturalized Russian subjects prior to the promulgation of these rules have the right at any time to return to their former nationality, after having paid all debts and arrearages due to the treasury, corporations, and individuals.

2. It is lawful for such persons to quit Russia, or to remain and enjoy the privileges accorded to aliens.

SAN SALVADOR.

LAW OF 1887.

The National Constituent Congress of the Republic of Salvador, — Considering:—

That it is of the utmost importance for the maintenance of the good international relations of the Republic to give prompt and due fulfilment of the mandate of Article 50 of the Constitution, decrees the following:—

LAW RELATING TO FOREIGNERS.

CHAPTER I.

SALVADOREANS AND FOREIGNERS.

ARTICLE 1. Salvadoreans by birth or naturalization are those enumerated in Articles 42, 43, and 44 of the Constitution of the Republic.

ART. 2. Foreigners are: 1. Those who, born outside of the national territory, are subjects of foreign governments, and have not become naturalized in Salvador.

2. The children of a foreign father or of a foreign mother and unknown father, born in the territory of the State, until reaching the age at which they attain their majority, according to the law of the nationality of the father or mother respectively. On the lapse of the succeeding year, without their having manifested to the governor of the district of their residence that they follow the nationality of their parents, they shall be considered Salvadoreans.

3. The Salvadorean woman who contracts matrimony with a foreigner shall maintain her foreign status even during widowhood. The marriage being dissolved, the native Salvadorean woman may regain her nationality, provided that, besides establishing her residence in the Republic, she makes known to the respective governor her determination to recover that nationality.

The Salvadorean woman who does not acquire by marriage the nationality of her husband, under the laws of his country, shall retain her own. The change of the husband's nationality, after marriage, involves the same nationality for the wife and minor children, subject to the country having jurisdiction, provided that they reside in the country through naturalization of the husband or father respectively, saving the exception established by the foregoing extract.

4. Salvadoreans who become naturalized in another country and remove their residence there.

5. Those who serve officially foreign governments in any political, administrative, judicial, or diplomatic capa-

city, without the license of the Legislative Power required by Article 53, No. 4, of the Constitution.

ART. 3. For the purpose of determining the place of birth, in the case of the foregoing articles, it is declared that the national vessels, without any distinction whatever, are part of the national territory, and that those who are born on board of them shall be considered as born in the Republic.

ART. 4. The nationality of persons or of corporations (*entidades morales*) is regulated by the law authorizing their formation; consequently all belonging to those that are constituted in accordance with the laws of the Republic shall be Salvadoreans, provided that they in addition have their legal domicile therein.

Foreign corporations enjoy in Salvador the rights conceded to them by the laws of the country of their domicile, provided that these are not contrary to the laws of the Nation.

CHAPTER II.

EXPATRIATION AND NATURALIZATION.

ARTICLE 6. The Republic of Salvador recognizes as natural and inherent to every man the right of expatriation, as necessary for the enjoyment of individual liberty; consequently, as it permits its inhabitants to exercise this right, they being able to leave the territory and settle in a foreign country, so likewise it protects the right of foreigners of all nations to establish themselves within its jurisdiction. The Republic, therefore, receives the subjects or citizens of other states and naturalizes them according to constitutional provisions and those of the actual law.

ART. 7. Expatriation and consequent naturalization acquired in a foreign country do not exempt a criminal from the extradition, trial, and punishment to which he is liable according to treaties, international usages, and the laws of the country.

ART. 8. Persons naturalized in Salvador, even when in foreign countries, have a right to the protection of the government of the Republic equally with native Salvadoreans, whether in regard to their persons or to their effects. This does not prevent them, should they return to their native country, from being liable for responsibilities that they may have incurred under the laws of that country before their naturalization.

ART. 9. The Salvadorean government shall protect, by means authorized by International Law, Salvadorean citizens in foreign countries. The Executive Power shall, as it may deem fit, make use of those means, provided they do not constitute acts of hostility ; but should diplomatic intervention not suffice, or should such means not avail, or should the offences to Salvadorean nationality be so serious as to demand severer measures, the Executive Power shall immediately make report to the Legislative Power for constitutional ends.

ART. 10. The naturalization of a foreigner is rendered ineffectual by his residence for two years in his native country, unless caused by the fulfilment of an official commission from the Salvadorean Government, or by its permission.

ART. 11. Every foreigner can be naturalized in the Republic who complies with the requirements established in Article 43 of the Constitution ; making the application in writing, and declaring in it the renunciation and profession mentioned in the following article of this law.

ART. 12. All naturalization implies the renunciation of all submission, obedience, and allegiance to every foreign government, and especially to the one of which the naturalized person may have been the subject; to all protection foreign to the laws and authorities of Salvador, and to every right that treaties or international law may concede to foreigners; and moreover, the profession of adhesion, obedience, and submission to the laws and authorities of the Republic.

ART. 13. A letter of naturalization shall not be granted to the subjects or citizens of a nation with which the Republic is in a state of war.

ART. 14. Neither shall it be given to persons judicially pronounced in other countries to be pirates, slave-traders, incendiaries, money counterfeiters, or forgers of bank checks or other papers that represent money, nor to assassins, plagiarists, or thieves. That naturalization is utterly void which a foreigner may have acquired by fraud in violation of law.

ART. 15. Letters or certificates of naturalization shall be issued gratuitously, without authority to collect on them any tax whatever, on the ground of costs, record, seal, or any other pretext.

ART. 16. The act of naturalization being a most personal one, only by especial and sufficient authority can the claimant be represented, when the naturalization is not effected by administration of the law; but in no case shall there be power to supply the failure of actual residence of the foreigner in the Republic.

ART. 17. The status of native or foreigner cannot be transferred to third persons; consequently the native cannot enjoy the rights of the foreigner nor the latter

the prerogatives of the former, on account of either condition.

ART. 18. The change of nationality has no retroactive effect. The acquisition and rehabilitation of the rights of a Salvadorean take effect only from the day following the one on which the naturalization is acquired.

ART. 19. Colonists who come to the country on their own account or on that of private companies or enterprises, as well as immigrants of every class, may be naturalized in each case according to constitutional prescriptions. Colonists established until now remain likewise subject to said prescriptions in all things that do not counteract the rights acquired by them under their contracts.

ART. 20. A naturalized foreigner shall become a Salvadorean citizen as soon as he fulfils the conditions required by Article 51 of the Constitution, possessing equal rights and obligations with Salvadoreans; but he shall be incapable of discharging those trusts or employments which under the Constitution require the nationality of birth.

SPAIN.

PROVISIONS OF LAW IN FORCE CONCERNING NATURALIZATION IN SPAIN.

Ninth Compilation.

Book VI., Chapter XI.

Don Felipe V. by resolution to the Council of the Board of Foreigners of March 8, 1716.

A concurrence of circumstances necessary to have foreigners considered citizens of this Kingdom: —

Every foreigner is to be considered a citizen who in the first place acquires the privilege of naturalization; one who is born in this Kingdom; one who is therein converted to our Holy Catholic Religion; one who, living peaceably, establishes his domicile; one who asks for and acquires a residence (*vecindad*) in any town; one who marries a native woman of this Kingdom and resides domiciled therein; and if a foreign woman marries a native Spaniard, by that act the jurisdiction and domicile of her husband becomes hers; one who settles himself, buying and acquiring real estate and possessions; one who, being an official, comes to reside and exercise his office; and in the same way one who comes to reside and pursue mechanical occupations, or keeps a retail store; one who holds honorable municipal office or trusts of whatever kind that can only be held by natives; one who enjoys the pastures and advantages proper to residents; one who resides ten years in a house established in this Kingdom; and so in all other cases in which he conforms to common law, Royal orders and laws, a foreigner may acquire naturalization or citizenship, and according to them he is bound to the same charges as natives, for the legal and fundamental reason of sharing their advantages; all these being legally natives and obliged like them to contribute, the transient persons being distinguished by exemption from municipal offices, of trustee, receiver, tutelage, guardian, custodian of cereals, vines, forests, strangers' levies, militia, and others of like class; and finally, that no one can be free from the license and percentage tax, and that only tran-

sient persons are free from other charges, personal contributions or services, wherefor some are distinguished from others, it being necessary to declare included all those in whom concur any of the circumstances that have been stated.

ROYAL DECREE, NOV. 17, 1852.

CHAPTER FIRST.

FOREIGNERS AND THEIR CLASSIFICATION IN SPAIN.

ARTICLE 1. Foreigners are: —

1. All persons born of foreign parents outside of the dominions of Spain.

2. The children of a foreign father and Spanish mother born outside of these dominions if they do not claim the nationality of Spain.

3. Those born on Spanish territory of foreign parents or of a foreign father and Spanish mother if they do not make that claim.

4. Those born outside of Spanish territory of parents who have lost their Spanish nationality.

5. A Spanish woman who marries a foreigner.

National vessels without distinction whatever are considered part of the Spanish dominions.

ART. 2. Foreigners who may have acquired letters of naturalization or obtained a residence according to the laws are held to be Spaniards.

ART. 3. All others who may reside in Spain without having obtained letters of naturalization nor acquired citizenship are domiciliated or transient foreigners. See the Constitutions of 1812, 1837, 1845, 1856, 1869, and 1876 in the Article Constitution.

ART. 4. Those will be considered domiciliated, for legal effects, who are established with open house, or fixed residence lasting three years, with their own property or industry and manner of living known in the territory of the Monarchy, by the permission of the superior civil authority of the province.

ART. 5. Those foreigners who have no fixed residence in the Kingdom, in the manner stated in the foregoing article, shall be considered transient sojourners.

CIVIL REGISTER (LAW JUNE 17, 1870).

ARTICLE 2. In the Register of the General Government shall be inscribed :—

1. The births in foreign parts of the children of a Spaniard who may have no known domicile in Spain.

2. The births on board a Spanish vessel during a voyage, if neither of the parents should have a known domicile in Spain.

3. The births of the children of soldiers abroad, where the parents may be on a campaign, if their latest domicile in Spain is not known.

4. Marriages at the time of death (*in articulo mortis*) contracted by soldiers abroad on a campaign, if their latest domicile in Spain is not known.

5. Marriages of the same character celebrated during a sea voyage, should neither of the contracting parties have a known domicile in Spain.

6. Marriages of Spaniards celebrated abroad, if one or both Spanish contracting parties should have no known domicile in Spain.

7. Every executory decree which annuls or declares

the divorce of a marriage inscribed on the Register of the General Government.

8. The deaths of soldiers that occurred during campaign, when the previous domicile of the deceased is not known.

9. Deaths that occurred during a sea voyage, if the deceased had no known domicile in Spain.

10. Those of Spaniards that occurred abroad.

11. Naturalization letters when the interested parties have not chosen a domicile in Spain.

12. Declarations of choice of Spanish nationality by persons born on foreign territory of Spanish parents, if those who make the declaration should not choose to make their domicile in Spain.

13. The declarations of those Spaniards who may have lost that character, stating that they wish to recover it, if on doing so they should not choose a domicile in Spain.

14. Those declarations to recover Spanish nationality made abroad by native persons of Spanish parents who may have lost that character, if neither of them should elect a domicile in Spain.

15. Declarations made for the same purpose by Spanish women married to foreigners, after the death of their husbands, in cases similar to the four preceding numbers.

ART. 3. On the Register in charge of the municipal judges shall be inscribed:—

1. The births on Spanish territory.

2. The births that have taken place during a sea voyage or abroad, if the parents or one of them should have a known domicile in Spain.

3. Marriages that are celebrated on Spanish territory.

4. Those celebrated at the point of death on a sea voyage, if either of the contracting parties should have a known domicile in Spain.

5. Those celebrated under similar circumstances by soldiers on a campaign or abroad, if their last domicile in Spain is known.

6. Marriages celebrated abroad by a Spaniard and a foreigner or by two Spaniards, if they have a known domicile in Spain.

7. Marriages of foreigners celebrated according to the laws of their country, when the contracting parties remove their domicile to Spain.

8. Executory decrees which declare the invalidity of a marriage, or determine the divorce of the conjugal parties.

9. The deaths occurring on Spanish territory.

10. The deaths of soldiers on a campaign, when their domicile is known.

11. The deaths which occur during a sea voyage, if the deceased should have a known domicile in Spanish territory.

12. Letters of naturalization when the parties choose a domicile in Spain.

13. Instruments made out in legal form, by foreigners who may have acquired citizenship in Spanish territory, relative to that act.

ART. 4. The documents to which may have to be referred the entries on the Civil Register shall be signed on every leaf, in the respective cases, by the chief of the office of the Direction-General, or by the Secretary of the Municipal Court, or by the Chancellor of Embassy or Consulate; or in his default by the Consul or Ambas-

sador himself, and by the person adducing them or witness that may have to sign the entry at his request.

ART. 5. When the documents produced are written in a foreign language or in the dialect of the country, a translation in Spanish shall accompany them, the accuracy of which shall be certified to by the court or the official who may have authenticated them, or by the office for the Interpretation of Languages in the Ministry of State, or by any other official who may be entirely authorized to do so.

ART. 6. For the entries or annotations that may be made on the Civil Register no compensation whatever shall be asked.

ART. 7. The documents produced by a party to be entered on the Civil Register shall be authenticated if they originate from a place situated outside of the respective circumscription of the District Court. This authentication shall be made by the District Court from within whose circumscription the documents proceed. Should they proceed from abroad, it shall be executed in the manner prescribed by the laws with respect to all documents of similar origin.

ART. 8. The diplomatic and consular agents of Spain abroad shall forward to the General Government a certified copy of the entries that may be made on their Registers.

ART. 9. The General Government shall literally reproduce these entries on the Register which has to be kept by it, unless in cases wherein, in conformity to the provisions of this law, there have to be forwarded to the municipal judges the certificates received, to be entered upon the respective Registers.

ART. 10. The Civil Register shall be divided into four sections, denominated: The first of births, the second of marriages, the third of deaths, and the fourth of citizenship; each one having to be recorded in separate books.

ART. 11. The entries may be formulated in a different place from the office in which the Register is kept, although always in the same district, sufficient cause for it being ascertained in the opinion of the person in charge of making them, or in cases especially decided by regulation.

ART. 12. In the Register to be kept by the diplomatic and consular agents of Spain shall be inscribed:—

1. The births of children of Spaniards taking place abroad.

2. Marriages celebrated abroad by Spaniards or by a foreigner and a Spaniard who preserves his nationality.

3. The deaths of Spaniards occurring abroad.

4. The declarations of Spaniards who may wish to preserve that status in fixing their residence in a foreign country, where only by this act they may be considered as native citizens ("nacionales").

5. The declarations comprehended in numbers 12, 13, 14, and 19 of Article 2.

14. The declarations of choice for Spanish nationality made by those born in Spain of foreign parents, or of foreign father and Spanish mother.

15. Those made by foreigners in numbers 12, 13, 14, and 15 of Article 2, if in making them they should choose a domicile in Spain.

16. Those that foreigners may make, manifesting a desire to fix their domicile in Spanish territory, or to transfer it to a different point within the same.

17. The executory decrees in which is arranged the rectification of whatever portion of said municipal Registers is repeated on the Register of the district of the domicile newly selected.

ART. 13. Spaniards who transfer their domicile to a foreign country, where, without other circumstance than that of their residence there, may be considered as natives, shall, in order to preserve their Spanish nationality, state this to be their wish to the diplomatic or consular agent, who will have to enter them, and likewise their consorts if married, and their children, upon the Special Register of Spanish residents which should be kept for that purpose.

TRANSITORY ARTICLE. A credit of 200,000 pesetas shall be granted to the Government to defray the expense of establishing the Civil Register, the payment of which shall be duly accounted for to the Cortes, as well as the repayment obtained by virtue of the different sums that the Register may produce.

PALACE OF THE CORTES, June 2, 1870.

MANUEL BINZ GORRILLA, *President.*

MANUEL DE LLANO, of Peru, *Deputy-Secretary.*

JULIAN SANCHEZ RUANO, *Deputy-Secretary.*

MARIANO BUIS, *Deputy-Secretary.*

FRANCISCO JAVIER CARRATALA, *Deputy-Secretary.*

MADRID, June 17, 1870.

EUGENIO MONTERO RIOS, *Minister of Grace and Justice.*
(Gaceta, June 20).

CONSTITUTION OF THE SPANISH MONARCHY.

CHAPTER FIRST.

OF SPANIARDS AND THEIR RIGHTS.

ARTICLE 1. Spaniards are : —

1. Those persons who are born on Spanish territory.
2. The children of a Spanish father or mother, although they may have been born outside of Spain.
3. Foreigners who may have acquired letters of naturalization.
4. Those who without them (letters of naturalization) may have acquired citizenship in some town of the Kingdom.

The status of a Spaniard is lost by acquiring naturalization in a foreign country, and by admission to, and employment by another government without permission from the King.

ART. 2. Foreigners shall be able to freely establish themselves on Spanish territory, to pursue their trade therein, or to devote themselves to any profession for the exercise of which the laws do not exact diplomas of ability issued by the Spanish authorities.

Those who have not been naturalized shall not be able to discharge any office in Spain to which authority or jurisdiction is attached.

CHAPTER FIFTH.

RECORDS OF CITIZENSHIP.

ARTICLE 96. Changes of nationality go into legal effect in Spain only from the day on which they are recorded on the Civil Register.

ART. 97. In all cases relating to the recording on the Civil Register of an act by virtue of which Spanish nationality is acquired, or recovered or lost, there must be produced the record of the birth of the party, that of his marriage if married, and those of the birth of his wife and of his children.

ART. 98. No record shall be made on the Register of Citizenship relative to the acquisition, recovery, or loss of the Spanish status by virtue of the declaration of an interested person who is not emancipated and who is not of age.

ART. 99. The acquisition, recovery, or loss of Spanish nationality shall be noted in the margin of the record of the birth of the parties or their children, if these acts have been entered upon the Civil Register of Spain, certified copies of the record being forwarded for the purpose to those in charge of the respective Registers, who will immediately acknowledge their receipt. For failure to comply with the regulation of this article the fine provided in Article 65 shall be imposed.

ART. 100. In all records on the Register mentioned in the foregoing articles shall be stated, if possible, in addition to the circumstances mentioned in Article 20:

1. The former domicile of the party.
2. The names and surnames, birthplace, domicile, and profession or occupation of parents, if they can be designated.
3. The name, surname, and native place of wife, if married.
4. The names and surnames, birthplace, residence, and profession or occupation of the parents of the party in the case of No. 2.

5. The names, age, birthplace, residence, and profession or occupation, of the children, stating if any of them are emancipated.

ART. 101. The naturalization letters granted to a foreigner by the Spanish Government shall have no effect until they are inscribed on the Civil Register of the domicile chosen by the party, or on that of the General Government if he had not to fix his residence in Spain.

For this purpose there ought to be produced on one Register or the other by the party interested the decree of naturalization, and the documents mentioned in Article 97, stating that he renounces his former naturalization and takes oath under the Constitution of the State.

In the proper entry of the Register these circumstances shall be stated, as well as the kind of naturalization conceded.

ART. 102. Foreigners who may have acquired citizenship in a town of Spain shall enjoy the consideration and rights of Spaniards from the instant they make the corresponding entry in the Civil Register.

To this end they must produce before the municipal judge of their domicile sufficient proof, on judicial notice by the public Ministry, of the facts by virtue of which the said citizenship is acquired, renouncing in the act their former nationality. Of the facts included in the proof advanced and of this renunciation express mention shall be made in the respective entry.

ART. 103. Persons born in Spanish territory of foreign parents, or of a foreign father and Spanish mother, who may desire to enjoy Spanish nationality, shall make such declaration within the term of one year reckoning from the day of reaching their majority, if at that period

they are already emancipated, and otherwise as soon as they become emancipated, renouncing at the same time the nationality of the parents.

ART. 104. This declaration and renunciation and consequent entry on the Register shall be made before the municipal judge of the domicile of the party interested. If residing abroad, these shall be made before the diplomatic or consular agent of Spain in the nearest town, who will record the act on the Register of which he has charge, forwarding a copy to the Government in order that the record may be repeated in their Register, should the party interested have no domicile in Spain.

ART. 105. In regard to persons born of a foreign father and a Spanish mother outside of Spanish territory, the order contained in the foregoing article shall be observed.

ART. 106. The Spaniard who may have lost that status by acquiring naturalization in a foreign country, shall be able to recover it on returning to the Kingdom by making declaration that he so desires before the municipal judge of the domicile he may choose, or otherwise before the Director-General; renouncing the protection of the flag of that other country, and having said declaration and renunciation inscribed on the Civil Register.

ART. 107. The Spaniard who may have lost his nationality by entering the service of a foreign power without permission of the Government of Spain, besides the requirements notified in the foregoing article, will need to recover his status as a Spaniard, a special rehabilitation by said Government, and in the respective entry on the Civil Register express mention of that rehabilitation shall be made.

ART. 108. A person born abroad of Spanish parents, who may have lost this status through his parents' having lost it, shall likewise recover it by fulfilling the requirements set forth in the foregoing article.

ART. 109. Likewise shall a Spanish woman married to a foreigner have the power to recover it after the dissolution of her marriage, making the declaration, renunciation, and record stated. In this case the party interested shall have to produce the paper that proves the dissolution of the marriage.

ART. 110. Foreigners who may desire to fix their residence or domicile on Spanish territory shall so declare before the municipal judge of the town in which they think of residing, who in the act shall proceed to enter the citizenship upon the Register, expressing in the said entry also the reference to the simple statement of the declarer, without exacting from him the production of the respective records of birth and matrimony, his name and title, those of his father, wife, and children, his age, place of birth, profession and occupation. The party shall likewise declare, and it shall be expressed in the entry, the object proposed by him in fixing his domicile in Spain, viz.: If it is to exercise the occupation or profession that he may have declared, to establish himself and live on his income, or whatever else it may be.

ART. 111. Also in the Register of Citizenship must be inscribed the changes of domicile from one district to another that foreigners may make. This entry shall first be made on the Register of the district that is abandoned; and with the testimony of authentic certificate thereof it shall be repeated.

CIVIL CODE.

CHAPTER FIRST.

OF SPANIARDS AND FOREIGNERS.

ARTICLE 17. Spaniards are : —

1. Persons born on Spanish territory.
2. The children of a Spanish father or mother, although they may have been born out of Spain.
3. Foreigners who may have acquired letters of naturalization.
4. Those persons who without naturalization papers may have acquired a residence in any town in the Kingdom.

ART. 18. Children while they remain under the country's dominion have the nationality of their parents.

In order that persons born of foreign parents on Spanish territory may enjoy the benefit accorded to them by No. 1 of Article 17, it shall be indispensably required that the parents state before the officials and in the manner set forth in Article 19, that in the name of their children they make choice of Spanish nationality, renouncing every other.

ART. 19. Children of a foreigner born in the Spanish dominions shall have to state, within the year following their majority or emancipation, whether they desire to enjoy the status of Spaniards conceded to them in Article 17.

Those who are in the Kingdom shall make this statement before the keeper of the Civil Register of the town where they may reside; those who reside abroad before

one of the consular or diplomatic agents of the Spanish Government, and those in a country where the government may have no agent shall address the Minister of State in Spain.

ART. 20. The status of Spaniard is lost by acquiring naturalization in a foreign country, or by accepting employment from another government or entering the military service of a foreign power without permission of the King.

ART. 21. The Spaniard who may lose this status by acquiring naturalization in a foreign country, shall be able to recover it by returning to the Kingdom, and declaring that such is his desire before the keeper of the Civil Register of the domicile that he may choose in order that he may make the corresponding entry, and by renouncing the protection of the flag of that other country.

ART. 22. A married woman follows the condition and nationality of her husband. The Spanish woman who may marry a foreigner, on the dissolution of her marriage shall have power to recover her Spanish nationality on fulfilling the requirements stated in the foregoing Article.

ART. 23. A Spaniard who loses said status through accepting employment from another government, or entering the military service of a foreign power without permission of the King, shall not have power to recover his Spanish nationality without previously obtaining the Royal qualification.

ART. 24. A person born in a foreign country of a Spanish father or mother, who may have lost the nationality of Spain because of his parents' having lost it, shall

likewise have power to recover it, fulfilling the conditions required by Article 19.

ART. 25. In order that foreigners who may have acquired letters of naturalization or gained a residence in some town of the Kingdom may enjoy Spanish nationality, they have previously to renounce their former nationality, to take the oath of the Constitution of the Monarchy, and to enter themselves as Spaniards on the Civil Register.

ART. 26. Spaniards who transfer their domicile to a foreign country, where without other circumstance than their residence in it they may be considered as natives, shall need, in order to preserve their Spanish nationality, to state that such is their desire to the diplomatic or consular agent, who shall have to inscribe them on the Register of Spanish Residents, as well as their consorts should they be married, and the children they may have.

ART. 27. Foreigners enjoy in Spain the rights that the civil laws concede to Spaniards, saving what is provided in Article 2 of the Constitution of the State, or in international treaties.

ART. 28. Corporations, endowed institutions, and associations recognized by law and domiciled in Spain, shall enjoy Spanish nationality provided they have the approval of legal persons conformably to the provisions of the present code.

The associations established abroad shall have in Spain the consideration and the rights determined by treaties or by special laws.

SWEDEN AND NORWAY.

LAW OF 1858.

His Royal Majesty's Gracious Statute.

In regard to the rates and regulations for a foreign man to become a Swedish citizen.

Made in the Castle in Stockholm the 27th of February, 1858.

We Oscar by the Grace of God, Sweden, Norway, Gothe's and Wande's King do hereby declare that we, in conference with the Congress have found well by grace to make the following law.

ARTICLE 1. An alien desirous of becoming a Swedish citizen shall make such application to the King.

ART. 2. Swedish citizenship may be granted to an alien who:—

1. Has reached the age of twenty-one years;
2. Has a good reputation;
3. Has been in the country for three years;
4. And is competent to provide for himself.

Has an alien in accordance with what is stated in the 28th Article of the Form of Government been given a position in the Government's employ, or has he made himself distinguished as extraordinarily skilful in the sciences or arts, or in agriculture, mining, or any other trades, or if his acceptance of Swedish citizenship will otherwise be found to benefit the country, then citizenship may be granted him after his settlement in the country, and prior to the limit of time required by law.

ART. 3. Application for Swedish citizenship shall be accompanied by certificates relating to the applicant's age and nationality, the time he arrived in the country,

and where he resided during this time, and also in relation to his character and religious beliefs.

The official authorities, whom the King may ask for an opinion in regard to the application, have to obtain and give such further information as may be deemed necessary in the exercise of their good judgment.

ART. 4. When an application for Swedish citizenship is granted, it is upon the condition that the applicant, within the time the King determines, shall prove to the authorities, if it has not already been done, that the applicant has ceased to be a foreign subject, and also shall take the oath of allegiance as Swedish citizens.

ART. 5. Is applicant from a country where the laws do not allow a release from the duties of a citizen; the applicant, at the time he takes the oath, must resign in writing the political advantages and privileges the applicant holds in the country of his origin; which resignation has effect only in Sweden, all of which provisions whom they may concern have to be obediently fulfilled. To give this further strength we have signed same with our own hand and confirmed same by our royal seal.

STOCKHOLM'S CASTLE, the 27th of February, 1858.

During his Majesty's my most gracious King and Master's sickness.

CARL.

[L. S.] C. E. GUNTHAS.

LAW RELATING TO NORWEGIAN STATE-CITIZENSHIP, ETC.

Dated April 21, 1888.

SECTION 1. At birth every person born in wedlock¹ shall be entitled to the rights of a Norwegian state-citizen if the father or mother are Norwegian state-citizens, and in the case of illegitimate children, if the mother be possessed of such rights. Foundlings discovered in this country are considered as born of Norwegian state-citizens, provided, before the completion of the eighteenth year of their age, their parents have not been traced, nor their nationality proved.

SECT. 2. The rights of a Norwegian state-citizen are acquired by the following voluntary acts:—

a. By marriage, viz., of an alien woman with a Norwegian state-citizen;

b. When a person who, according to Article 92, *a*, *b*, or *d*, of the Constitution, having acquired the rights of a Norwegian-born state-citizen, takes up a fixed domicile in Norway. This rule, however, shall not apply to Norwegian-born state-citizens who assume a fixed domicile in Norway by virtue of an appointment in the service of a foreign State, or to women having the rights of a Norwegian-born state-citizen but married to a subject of a foreign State;

c. By accepting an appointment as Norwegian Official (Embedsmand), or a permanent appointment from the King or any department of the Government, as a functionary in the service of the Norwegian State. In the

¹ According to the law of Norway, children born out of wedlock are legitimized as soon as the parents legally enter into matrimony.

case of officials or functionaries appointed to the joint public service of Sweden and Norway, this rule shall only apply to persons having the rights of Norwegian-born state-citizens, and who renounce their allegiance to any foreign State.

SECT. 8. The rights of a Norwegian state-citizen may also be conferred on other inhabitants of the country by permission of the King, or of the authority authorized by him to grant such permission. As a rule such license shall only be granted to those who:—

a. Have had a fixed domicile in this country during three consecutive years;

b. Who by domicile have acquired the right to become chargeable to the parish in any district in this country, or who, by giving security or otherwise, can prove to the satisfaction of the authorities that they and their families will not become chargeable to the Poor Law District previous to such time as they would have acquired the same rights, even if state-citizenship had not been granted to them;

c. Are of age, and

d. Are not temporarily, or forever, disqualified from the right of suffrage according to Sections 52 a, and 58 a, of the Constitution.

In order to obtain the rights of a Norwegian state-citizen in virtue of these rules, an application should be made to the authorities at the place where the applicant resides, stating at which places he has resided in this country, and, if he is a subject of any foreign country, the name of such country, adding a declaration to the effect that, in case of the application being granted, he will renounce all allegiance to such foreign State. If

the validity of the last-named declaration depends according to the laws of the foreign State in question, on the consent of its government, the applicant must prove that such consent has been granted.

If the application is granted, a certificate as Norwegian state-citizen will be issued to the applicant in such form as the King may prescribe. Such certificate shall only come into force after the person named therein has taken the oath prescribed in Section 51 of the Constitution. The judge by whom the oath has been administered shall endorse the certificate with an attestation of the administration of the oath.

The rights of a Norwegian state-citizen may be acquired by any widow or spinster, according to the preceding rules, but without taking the oath prescribed.

SECT. 4. When the rights of a Norwegian state-citizen have been acquired by a person in virtue of paragraphs 2 and 3, the same rights shall also belong to his wife, and those of his or her children under age who reside with their parents, or who are educated and brought up at their cost.

SECT. 5. Any foreign person domiciled in the Kingdom who, without being entered on the Register prescribed in Section 51 of the Constitution, shall claim to have acquired the rights of a Norwegian state-citizen at the time when the present law comes into force, must, in order to secure such right, apply to the authorities, within one year after the said term, for a certificate as Norwegian state-citizen.

In the case of a person not having attained majority when the law comes into force, the term of grace allowed for such application shall be extended from the date majority is attained.

If the authorities consider the application well-founded, and if the applicant fulfils the conditions prescribed in Section 3, *a* and *b*, of this law, a certificate as a Norwegian state-citizen will be granted to him, which is to serve as full proof of his right as such. If the application is refused, the applicant shall not thereby be deprived of any right accorded to him by the laws now in force.

SECT. 6. A Norwegian state-citizen shall lose his rights as such : —

a. When he becomes the subject of a foreign State, and, —

b. When he leaves the Kingdom forever. Any Norwegian state-citizen, however, having the rights of a Norwegian-born state-citizen, in virtue of Section 92, *a*, *b*, or *d*, of the Constitution, may retain his rights as a Norwegian state-citizen by making a declaration of his intention to remain as such before the local Norwegian Consul within one year after his departure, or after the day when the present law comes into force.

This declaration shall be valid for the space of ten years, within the period of which term it may be renewed for a similar period.

Any person who takes up his residence in a foreign country, on account of his appointment as a Norwegian official, or in the joint public service of Norway and Sweden, shall retain his rights as a Norwegian state-citizen.

In all cases in which such right is retained, it applies likewise to the wife, and to his or her children, under age, who reside with their parents, or are educated and provided for by them.

SECT. 7. Every person who in virtue of Section 92, *a*, *b*, or *d*, of the Constitution, has the right of a Norwegian-born state-citizen, is entitled to settle in the Kingdom, and shall retain the domiciliary rights conferred by the Poor Laws for the towns, and for the rural districts, of June 6, 1863, Sections 16 and 17 respectively.

Norwegian state-citizens are entitled to reside in Norway, except when they may be delivered over to the Swedish authorities in compliance with the Law of September 11, 1818. Section 1 of the Law of June 17, 1886, containing amendments of, and additions to, the Poor Laws, is hereby repealed as regards Norwegian state-citizens, but Section 2 of the same law shall remain in force as regards emigrated Norwegian state-citizens who are not possessed of the rights of Norwegian state-citizens.

Every Norwegian state-citizen is a Norwegian subject. Immigrating aliens shall, even after becoming Norwegian state-citizens, enjoy the immunity from military service conditionally accorded to them by the law concerning military service, of May 12, 1866, Section 12.

SECT. 8. Those inhabitants of the country not possessing the rights of Norwegian state-citizens are not Norwegian subjects. With regard to their legal status, the rules contained in the laws, with the exception of the present law and the Constitution, relating to Norwegian subjects, natives, Norwegians, inhabitants of the Kingdom, and Norwegian citizens, shall continue in force, foreigners being, however, subject to expulsion from the Kingdom in the same cases as hitherto. The Law of August 4, 1845, relating to the qualifications required for election to certain municipal or parochial functions,

and of June 17, 1886, referred to in the preceding paragraph, shall remain applicable to such aliens.

SECT. 9. In future, real property, except by special permission of the King, or the authority authorized by him, may only be legally acquired in the realm by Norwegian or Swedish state-citizens, corporations, institutions, or limited liability companies, when their boards have their seat in Norway or Sweden, and consist exclusively of Norwegian or Swedish state-citizens. The same rule shall apply to leases of landed property, and the rights of usufruct, use, or other rights conferred thereby with regard to such property.

The King may grant exemptions from enactments of this paragraph with respect to leases, or other rights acquired, for a period not exceeding ten years.

The right of obtaining a license to work a mine remains free to all according to the Mining Law of July 14, 1842, as well as to the allotment of ground to such claim, according to Section 18 of the same law, and the Law of February 17, 1866, respecting the rights of the holders of claims, and the term of grace allowed for the commencement and continuation of mining operations. Those communities of dissenters recognized by the Law of July 16, 1845, shall, notwithstanding the provisions of this paragraph, have the right to acquire and possess lands for establishing churches, schools, parsonages, and cemeteries.

SECT. 10. Every Swedish state-citizen acquiring in future any real property in Norway, or such rights as aforesaid as are equivalent thereto, as mentioned in paragraph 9, must, if not residing in Norway, have a representative at the place where the property is situated, who

in his absence, holding his power of attorney, shall be authorized to appear for him, before courts of law and the authorities, in all matters relating to the property or to the stated rights which may have been obtained by him.

The same rule shall apply to corporations, institutions, or limited liability companies, the boards of which have their seat in Sweden, and acquire such property or rights as aforesaid.

The name and residence of such authorized representative shall be officially published (registered).

In case of non-compliance with the preceding rules, the judge of the inferior court in whose district the estate is situated may, at the instance of any person concerned, appoint such a representative to act as attorney, and such appointment shall be binding upon the owner or occupier.

The preceding rules of this paragraph shall also be applied when, in virtue of a commission granted according to Section 9, an alien has acquired in the Kingdom real property, or the rights aforementioned.

SECT. 11. Contracts concluded contrary to Section 9 cannot be enforced unless the permission as is required by the said paragraph be subsequently granted.

SECT. 12. If any document is required to be officially published (registered) concerning any acquisition, for which aliens, according to Section 9, require a license, and such cannot be produced, the Register shall, provided he finds it questionable as to what extent the acquisition is at variance with the terms of the stated paragraph, make an annotation thereof, which shall be forwarded by him to the superior authorities.

SECT. 13. If an agreement not in conformity with Section 9 is executed by the registration of the title-deed, or if the purchaser or the lessee has entered into possession of the estate, or the exercise of the rights conceded, the authorities shall fix a time for the adjustment of the matter, either by his obtaining the license required, or by voluntary retrocession, or the sale of the property to a person entitled to hold such property. The limit of time allowed must not be less than six months, nor exceed three years. The decision of the superior authorities shall be officially published (registered).

SECT. 14. On the expiry of the term fixed, the property, or said rights, shall be sold by compulsory auction, by order of the superior authorities, without any previous negotiations of agreement or notification to the party. The sale shall have full legal effect against the owner or the occupier, the person to whom he looks for title (Hjemmelsmand), and their creditors, or in case of their becoming bankrupts, their estates and the mortgagees concerned. The sale is effected at the expense of the owner or occupier, no part of the proceeds thereof being paid over to him before the vendor, or other person entitled to payment,¹ has received payment of his claims for the transfer of the estate or the said rights. Should the proceeds of the sale be not sufficient for such purpose, the debtor shall be held personally responsible for the claims.

SECT. 15. The rules of Sections 13 and 14 shall also be applied when a limited liability company having its seat in Norway or Sweden, and possessing any real estate in Norway, or possessed of the rights according to

¹ The "Hjemmelsmand."

Section 9, and subject to a license, removes its seat to any foreign country, or admits into its board any member other than one possessed of the rights of a Norwegian or Swedish state-citizen.

SECT. 16. If real property, or the right of usufruct, or use, is acquired by inheritance by any person not entitled to its possession, when according to special circumstances the permission referred to in Section 9 cannot be obtained, the rules of Sections 13 and 14 shall take effect, in so far as they are applicable to the case. If the property, or aforementioned rights, belong to a female who is a Norwegian or Swedish state-citizen, or has obtained the permission referred to in Section 9, the property, or the right of usufruct, or use, shall, when she marries any person not holding any such rights of state-citizenship, or who has not obtained such permission, be her separate property.

SECT. 17. The term "fixed domicile" in the present law shall be understood to mean any residence of such a nature showing it to be the intention of the party to remain permanently in the Kingdom.

SECT. 18. The present law, which shall immediately come into force, shall not have effect in such instances in which its terms would be at variance with those of existing treaties with foreign powers.

FEDERAL LAW ON NATURALIZATION AND
RENUNCIATION OF SWISS NATIONALITY.

JULY 3, 1876.

The Federal Assembly of the Swiss Confederation acting under authority of Article 44 of the Federal Constitution decrees :—

I.

On Swiss Naturalization.

ARTICLE 1. When an alien desires to obtain the Swiss nationality he must make demand on the federal council for authorization to receive the citizenship of some canton or commune.

The authorization of the federal council must be demanded by the government of the canton or commune in cases where citizenship is to be conferred as an act of favor.

ART. 2. The federal council will not accord this authorization to aliens except :—

1. When they have maintained a domicile in Switzerland for two years.

2. When their relations to the canton or commune have been such as to assure that their admission to Swiss citizenship will work no prejudice to the Confederation.

ART. 3. Naturalization extends to the wife of the alien naturalized and to the minor children in case no exception has been made for them in view of Article 2, No. 2.

ART. 4. Every decision on naturalization rendered is null and void unless the authorization of the federal council has first been procured.

On the other hand, naturalization is not complete, even after the authorization of the federal council, unless the laws of the canton or commune have been strictly complied with. The authorization of the federal council is null and void unless action is taken thereunder within two years from the date thereof.

ART. 5. Persons who in connection with the right of Swiss citizenship possess the right of citizenship in another country have no claim to rights and privileges, and can demand no protection as Swiss citizens so long as they reside in that country.

II.

Renunciation of Swiss Citizenship.

ARTICLE 6. A Swiss citizen can renounce his citizenship; for this there must be :—

1. Loss of domicile in Switzerland.
2. Engagement of civil rights in the land in which he resides.
3. Acquisition of a foreign citizenship for himself, his wife, and her minor children in conformity to the construction of Article 8, or at least have the alien citizenship assured to him.

ART. 7. The declaration of renunciation of Swiss nationality must be presented in writing on justifiable grounds to the government of the canton or commune. The government then issues notices to the canton or commune of origin of the applicant and to all others interested within four weeks to enter objections thereto.

If the right of renunciation is contested, the federal tribunal decides the question conformably to Articles 61

to 68 of the law of organization of the federal judiciary passed June 27, 1874.

ART. 8. If the requirements of Article 6 are fulfilled and there is no objection, or if the objections are overruled by the federal tribunal according to the terms of the law of the canton or commune, the applicant is declared free from all claims of the state, canton, and commune.

This liberation, which takes with it loss of the right to be called a Swiss citizen, dates from the delivery to the applicant of the certificate.

The liberation extends to the wife and minor children so long as they remain under the charge of the applicant, if the applicant in his request make no specific exception in their favor.

ART. 9. The widow or divorced wife of a Swiss citizen who has renounced his Swiss nationality and the children who were minors at the time of this renunciation can demand of the federal council to be re-admitted to Swiss citizenship. This right expires after ten years for the children after majority, and for the widow or divorced wife at the dissolution of the marriage.

The federal council will allow the re-admission when the conditions are fulfilled as set forth in Article 2, No. 2, of this law for the acquisition of citizenship, and the applicant resides in Switzerland.

III.

ART. 10. All other laws on naturalization and renunciation of citizenship are hereby repealed.

TURKEY.

NATURALIZATION IN TURKEY.

LAW ON NATIONALITY OTTOMAN OF JAN. 19, 1869.

1. Every individual born of a father Ottoman and mother Ottoman, or only of a father Ottoman, is an Ottoman subject.

2. Every individual born on Ottoman territory of alien parents can acquire Ottoman nationality after three years succeeding the age of majority.

3. An alien major who has resided for five consecutive years in the Ottoman Empire can obtain Ottoman nationality by request direct to the Minister of Foreign Affairs.

4. The imperial government can accord to an alien the Ottoman nationality regardless of the conditions in preceding articles when he deems the alien worthy of this exceptional favor.

5. An Ottoman subject who has acquired a foreign nationality with the authority of the government is to be considered an alien; if on the other hand he has acquired a foreign nationality without the authority of his government, his naturalization will be considered to be null and void, and he will continue to be treated as an Ottoman subject.

No Ottoman subject can be naturalized abroad without assent obtained therefor by imperial edict.

6. Nevertheless, the imperial government can pronounce the loss of Ottoman citizenship against every citizen who is naturalized abroad, or who accepts military functions under a foreign government without authority of his sovereign.

In such case the subject cannot return to the Ottoman Empire.

7. A female subject Ottoman who marries an alien and becomes a widow can recover the quality of an Ottoman subject on declaration made within three years after the death of her husband.

8. The minor child of an Ottoman subject naturalized abroad does not follow the condition of the father, but remains an Ottoman subject. The minor child of an alien naturalized in the Ottoman Empire does not follow the condition of his father, but remains an alien.

9. Every individual inhabiting the Ottoman Empire is reputed to be an Ottoman subject until he has established the contrary in prescribed form.

Prior to the law of 1869 the recognized mode by which to obtain naturalization was by recognition of the religion of Mahomet.

NATURALIZATION LAWS OF VENEZUELA.

CHAPTER II., SECTION 1497.

Decree of the 13th June, 1865, annulling the law of 1848, No. 547, in regard to the naturalization of foreigners.

The Congress of the United States of Venezuela decrees :—

ARTICLE 1. All foreigners can by application obtain a letter of naturalization on condition that they shall reside in the country.

ART. 2. The foreigner who desires a letter of naturalization must apply directly to the Executive of the

Nation, or through the medium of the President of the State in which he resides, by means of a memorial stating his desire to be naturalized, the country of his birth, his condition and profession, and a promise of fidelity to the Constitution and laws of the Union, and other available arguments.

ART. 3. The Executive of the Nation in consideration of the application shall issue the letter.

ART. 4. He shall issue the letter of naturalization, and causing it to appear on the register of the Ministry of Foreign Affairs, it shall be published by the press.

ART. 5. Individuals hitherto naturalized by the Ministry of the laws of Colombia and Venezuela, shall, in conformity to them, continue in the enjoyment of their rights without requiring a new letter of naturalization.

ART. 6. The Law of May 27, 1844, on this subject is annulled.

Given at the Chamber of Congress at Caracas, June 8, 1865, 2d of the Law, and 7th of the Federation.

ANTONIO L. GUZMAN, *President of the Senate.*

VICTOR J. DIEZ, *President of the Chamber of Deputies.*

ANDRES A. SILVA, *Secretary of the Senate.*

J. A. TORREALBA, *Secretary of the Chamber of Deputies.*

CARACAS, June 13, 1865, 2d and 7th. Let this be executed.
GUZMAN BLANCO, *the Citizen General first appointed in the Army of the Republic.*

J. B. PACHANO, *Minister of the Interior and of Justice.*

CERTIFICATES OF NATURALIZATION.

The forms in use by the courts in which aliens are admitted to citizenship by naturalization are not identical. A comparison will show the necessity of some rule which will bring about a uniformity and enforce a complete record in the chain of proceedings prior to the final adjudication of the court. It is the purpose in submitting the following forms to avoid, if possible, the criticisms very justly applied to certificates of naturalization in F. R. of U. S. 1877, pp. 254, 255, 256.

*Form for Declaration of Intention to become a Citizen under
Section 2165.*

To the Honorable the Justices of the sitting in
and for the County or District of

I, A. B., being of full age under the laws which govern the Court in which I make this declaration, and being of the Caucasian or African race, having been born at _____ on the _____ day of _____ 18 ____; and having emigrated therefrom on the _____ day of _____ 18 ____; having sailed from _____ on board the _____ on the _____ day of _____ 18 ____; and having arrived in the United States at _____ State of _____ on the _____ day of _____ 18 ____; do declare upon oath or do affirm that it has been and now is *bona fide* my intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and in particular to [naming the prince, potentate, state, or sovereignty, of which the applicant may be at the time a citizen or subject], and I pray that this my declaration may be made of record in this Court.

[Signature of declarant.]

[Title of Court.]

Be it remembered that A. B. personally appeared before the judge of the Court, or clerk of said court, having a clerk, seal, record, and a common law jurisdiction, on the day of 18 ; and did make oath or affirm to the foregoing declaration by him subscribed, and did depose and say that the statements therein contained are true. The personalty of said applicant being known to me or made known to me by a citizen of the United States domiciled in

IN WITNESS WHEREOF I hereunto set my hand and seal of the Court.

[Signature Clerk of Court.]

Form of Petition to become a Citizen under Section 2165.

To the Honorable the Justices of the sitting in and for the County or District of

I, A. B. of State respectfully petition the Court to be admitted a citizen of the United States.

I was born in on the day of 18 ; emigrated therefrom on the day of 18 ; arrived at in the United States on the day of 18 ; declared on the day of 18 , before the Court, my intention to become a citizen of the United States, and append a copy thereof hereto ; since my arrival I have resided in State of and in State of and in this State one year, during which time I have behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. I am prepared to declare on oath my support of the Constitution of the United States, and absolutely and entirely renounce all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty, and particularly by name to the of which I am a subject or citizen. I do not bear any hereditary title, nor have I been a member of any of the orders of nobility in the , of which I am a subject or citi-

zen. In support of this petition I am prepared to offer proof in manner and form as required by the Statutes of the United States, and ask that this my petition may be allowed.

[Witnesses to signature.]

[Signature of applicant.]

Form of Certificate of Naturalization under Section 2165.

[Title of Court.]

Be it remembered that at [title of court, location, nature of jurisdiction, record, and clerk] in the United States of America, on the day of A. D. 18 , A. B., a native of exhibited his certificate of intent to become a citizen of the United States, made and sworn to by him before the Court of in the County of in the State of on the day of

A. D. 18 ; [in case original is lost then state exhibited a certified certificate in legal form], and exhibited a petition praying to be admitted to become a citizen of the United States, and it appearing to said court from his certificate of intent that he had declared on oath that it was *bona fide* his intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatsoever, and particularly to the of of whom he was at the time a subject, and the said A. B. having on his solemn oath declared and also made proof thereof by competent testimony of C. D. and E. F., citizens of the United States, that he had resided one year in the State of and within the United States of America upwards of five years, to wit, at immediately preceding his application; and it appearing to the satisfaction of the court that the applicant was and had been of good moral character, that during that time he had behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, and having on his solemn oath declared before the same court that he would support the Constitution of the

United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatsoever, and in particular to of of which he was a subject, and it appearing further to said court that the said A. B. was not an alien enemy; and it appearing further that the said A. B. was of the Caucasian or African races.

Thereupon the Court having heard the applicant on his petition and being satisfied on the evidence presented that the applicant had brought himself within the requirements in all respects of the Statutes on Naturalization, admitted the said A. B. to become a citizen of the United States, and ordered all proceedings aforesaid and its judgment thereon to be recorded by the clerk of said court, and which was done accordingly.

IN WITNESS WHEREOF I have hereunto affixed my hand and seal of the Court of this day of A. D. 18 and of the Independence of the United States of America the hundred and

[Seal]

[Signature of clerk
with title of office.]

Form of Petition to become a Citizen under Section 2166.

To the Honorable the Justices of the sitting in
and for the County or District of

I, A. B., of State of respectfully petition the Court to be admitted a citizen of the United States in accordance with Section 2166. I was born in on the day of 18 ; emigrated therefrom on the day of 18 ; arrived at in the United States on the day of 18 ; that I am of the age of twenty-one years and upwards and enlisted in the army of the United States or in the navy of the United States in the regular or in the volunteer force, in which I served for one year and upwards, and from which I was honorably discharged, as is evidenced by my discharge paper which I

append hereto ; that I have resided in the United States one year, during which time I have behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

In support of this petition I am prepared to offer proof in manner and form as required by the Statutes of the United States under Section 2166, and ask that my petition may be allowed.

[Witness to signature.]

[Signature of applicant.]

Form of Certificate of Naturalization under Section 2166.

[Title of Court.]

Be it remembered that at [title of court, location, nature of jurisdiction, record, and clerk] in the United States of America, on the day of 18 , A. B. exhibited a petition praying to be admitted to become a citizen of the United States in accordance with Section 2166 ; and having exhibited his certificate of honorable discharge from the army or navy of the United States in the regular or volunteer service, in which it appeared that he had served for one year and upwards ; and that he had resided in the United States for one year and upwards, as was shown by competent evidence of C. D. and E. F., citizens of the United States ; and it appearing to the satisfaction of said court that the applicant was and had been of good moral character, that during that time he had behaved as a man of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same, and having on his solemn oath declared before the same court that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatsoever, and in particular to of of which he was a subject,

and it appearing further to said court that the said A. B. was not an alien enemy, and it appearing further that the said A. B. was of the Caucasian or African races.

Thereupon the Court having heard the applicant on his petition, and being satisfied on the evidence presented that the applicant had brought himself within the requirements in all respects of the Statutes on Naturalization, admitted the said A. B. to become a citizen of the United States, and ordered all proceedings aforesaid and its judgment thereon to be recorded by the clerk of said court, and which was done accordingly.

IN WITNESS WHEREOF I have hereunto affixed my hand and seal of the Court of this day of
A. D., 18 ; and of the Independence of the United States
of America the hundred and

[Seal]

[Signature of clerk,
with title of office.]

Form of Petition to become a Citizen under Section 2167.

To the Honorable the Justices of the sitting in
and for the County or District of

I, A. B., of State of respectfully petition
the Court to be admitted a citizen of the United
States in accordance with Section 2167.

I was born in on the day of 18 ;
emigrated therefrom on the day of 18 ; arrived
at in the United States on the day of
18 ; that I am of the age of twenty-three years and up-
wards, and that I resided in for years or months
and in for years or months next preced-
ing my majority, and since my majority I have resided in
 for two years and more next prior to my filing this
petition, during which time of two years and more since reach-
ing my majority it has been *bona fide* my intention to become a
citizen of the United States, and during which time I have
behaved as a man of good moral character, attached to the

principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

I am prepared to declare on oath my support of the Constitution of the United States, and absolutely and entirely renounce all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty, and particularly by name the _____ of which I am a subject or citizen. I do not bear any hereditary title, nor have I been a member of any of the orders of nobility in the _____ of which I am a subject or citizen.

In support of this petition I am prepared to offer proof in manner and form as required by the Statutes of the United States, and ask that my petition may be allowed.

[Witness to signature.]

[Signature of applicant.]

Form of Certificate of Naturalization under Section 2167.

[Title of Court.]

Be it remembered that at [title of court, location, nature of jurisdiction, record, and clerk] in the United States of America, on the _____ day of _____ 18____, A. B. exhibited a petition praying to be admitted to become a citizen of the United States in accordance with Section 2167; and the said A. B., having on his solemn oath declared and also made proof thereof by competent testimony of C. D. and E. F., citizens of the United States, that he had resided in the United States three years during minority, and two years and upwards since majority at _____ immediately preceding his application, and it appearing to the satisfaction of the court that the applicant was and had been of good moral character, that during that time he had behaved as a man of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same, and having on his solemn oath declared before the same court that he would support the Constitution of the United States, and that he did absolutely and entirely

renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatsoever, and in particular to of which he was a subject; and it appearing further to said court that the said A. B. was not an alien enemy, and it appearing further that the said A. B. was of the Caucasian or African races.

Thereupon the Court having heard the applicant on his petition, and being satisfied on the evidence presented that the applicant had brought himself within the requirements in all respects of the Statutes on Naturalization, admitted the said A. B. to become a citizen of the United States, and ordered all proceedings aforesaid and its judgment thereon to be recorded by the clerk of said Court, and which was done accordingly.

IN WITNESS WHEREOF I have hereunto affixed my hand and seal of the Court of this day of A. D., 18 , and of the Independence of the United States of America the hundred and

[Seal]

[Signature of clerk,
with title of office.]

Form of Petition to become a Citizen under Section 2174.

To the Honorable the Justices of the sitting in
and for the County or District of

I, A. B. of State of respectfully petition
the Court to be admitted a citizen of the United
States.

I was born in on the day of 18 ;
emigrated therefrom on the day of 18 ; arrived
at in the United States on the day of 18 ;
declared on the day of 18 before the
Court my intention to become a citizen of the United States
and append a copy thereof hereto; subsequent to the making
of said declaration I have served for three years on board of
the merchant-vessels of the United States, from which
I was discharged, and append hereto said discharge as evi-

dence of my service and my conduct, as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

I am prepared to declare on oath my support of the Constitution of the United States, and absolutely and entirely renounce all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty, and particularly by name to the _____ of which I am a subject or citizen. I do not bear any hereditary title, nor have I been a member of any of the orders of nobility in the _____ of which I am a subject or citizen.

In support of this petition I am prepared to offer proof in the manner and form as required by the Statutes of the United States, and ask that my petition may be allowed.

[Witness to signature.]

[Signature of applicant.]

Form of Certificate of Naturalization under Section 2174.

[Title of Court.]

Be it remembered that at [title of court, location, nature of jurisdiction, record, and clerk] in the United States of America, on the _____ day of _____ 18 ____; A. B. a native of _____ exhibited his certificate of intent to become a citizen of the United States, made and sworn to by him before the _____ Court of _____ in the County of _____ in the State of _____ on the _____ day of _____ A. D., 18 ____, and exhibited a petition praying to be admitted to become a citizen of the United States according to Section 2174, and it appearing to said court from his certificate of intent that he had declared on oath that it was *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatsoever, and particularly to the _____ of which he was at the time a subject; and the said A. B. having on his solemn oath declared, and

in support thereof produced his discharge showing three years' service in the merchant marine of the United States, during which time he had been of good conduct, and it further appearing that the applicant was and had been of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, and having on his solemn oath declared before the same court that he would support the Constitution of the United States, and that he did absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatsoever, and in particular to _____ of which he was a subject; and it appearing further to said court that the said A. B. was not an alien enemy, and it appearing further that the said A. B. was of the Caucasian or African races.

Thereupon the Court having heard the applicant on his petition, and being satisfied on the evidence presented that the applicant had brought himself within the requirements in all respects of the Statutes on Naturalization, admitted the said A. B. to become a citizen of the United States of America, and ordered all proceedings aforesaid and its judgment thereon to be recorded by the clerk of said court, and which was done accordingly.

IN WITNESS WHEREOF I have hereunto affixed my hand and seal of the _____ Court of _____ this _____ day of _____ A. D., 18 _____, and of the Independence of the United States of America the hundred and _____

[Seal]

[Signature of clerk,
with title of office.]

*Form of Application for Passport by a Native Citizen
of the United States abroad.*

I _____ a native and loyal citizen of the United States, hereby apply to the Legation of the United States at _____ for a passport, accompanied by my wife and _____ minor children as follows:—

I solemnly swear that I was born at _____ in the State
 of _____ on or about the _____ day of _____ 18 ____ ;
 that my father is a _____ citizen of the United States;
 that I am domiciled in the United States, my permanent res-
 idence being at _____ in the State of _____ where I
 follow the occupation of _____ ; that I left the United
 States on the _____ day of _____ 18 ____ ; and am now
 temporarily sojourning at _____ ; that I am the bearer of
 Passport No. _____ issued by _____ on the _____ day of
 18 ____ ; that I intend to return to the United States within
 _____ with the purpose of residing and performing the
 duties of citizenship therein ; and that I desire the passport
 for the purpose of _____

Oath of Allegiance.

Further I do solemnly swear that I will support and defend
 the Constitution of the United States against all enemies for-
 eign and domestic ; that I will bear true faith and allegiance
 to the same ; and that I take this obligation freely without
 any mental reservation or purpose of evasion ; so help me
 God.

Legation of United States at _____
 Sworn to before me this _____ day of _____ 18 ____ .
 [Signature.]

Description of Applicant.

Age _____ years ; stature _____ feet, _____ inches ; forehead
 ; eyes _____ ; nose _____ ; mouth _____ ; chin _____ ;
 hair _____ ; complexion _____ ; face _____

Identification.

I hereby certify that I know the above named
 personally, and know him to be a native-born citizen of the
 United States, and that the facts stated in h _____ affidavit are
 true to the best of my _____ knowledge and belief.
 [Address of witness.]

*Form of Application for Passport by a Naturalized Citizen
of the United States abroad.*

Applicant

I hereby apply to the Legation of the United States at
for a passport for myself, wife, and minor children.

I was born at in the Kingdom of on the
 day of 18 ; and was married to at
on the day of 18 ; my minor children were born
at on the day of 18 .

In support of the above application I do solemnly swear
that I was born at on the day of 18 ; that
I emigrated to the United States on or about the day
of 18 , sailing on board the from on the
 day of 18 ; and arriving at on the day
of 18 ; that I resided five years uninterruptedly in the
United States from to at ; that
I was naturalized as a citizen of the United States before the
Court of on the day of 18 ; as shown
by the accompanying Certificate of Naturalization ; that I am
the bearer of Passport No. issued by on the
day of 18 ; which is appended herewith ; that I am the
identical person referred to in said certificate and passport ;
that I last left the United States on the day of
18 , on board the arriving in on the day
of 18 ; that I have resided since the day of
18 ; that I am now temporarily residing that I intend
to return to the United States in years months,
with the purpose of residing and performing the duties of
citizenship there.

I desire the passport for the purpose of

[Oath of Allegiance same as in form for native-born.]

[Description of applicant same as in form for native-born.]

[Identification same as in form for native-born.]

*Form of Application for Passport for Person claiming
Citizenship through Naturalization of Husband or Parent
abroad.*

I, a naturalized and loyal citizen of the United States hereby apply to the Legation of the United States at for a passport for myself.

I solemnly swear that I was born at on the day of 18 ; that my husband or father [stating person under whom claim is made] emigrated to the United States on the day of 18 ; sailing on board the from on or about the day of 18 ; that he resided years uninterruptedly in the United States from the day of 18 to the day of 18 ; at ; that he was naturalized as a citizen of the United States before the Court of at on the day of 18 ; as shown by the accompanying Certificate of Naturalization; that I am the of the person described in said certificate; that I am the bearer of Passport No. issued by on the day of 18 , which is returned herewith; that I am the identical person referred to in said passport; that I have resided uninterruptedly in the United States [or that I never resided in the United States] for years from to at ; that I am domiciled in the United States, my permanent residence being at in the State of where I follow the occupation of ; that I last left the United States on the day of 18 , on board the arriving at on the day of 18 ; that I have resided in since the day of 18 ; that I am now temporarily residing at and that I intend to return to the United States within for the purpose of residing and performing the duties of citizenship therein.

I desire the passport for the purpose of

[Oath of allegiance same as in form for native-born.]

[Description of applicant same as in form for native-born.]

[Identification same as in form for native-born.]

LAWS ON CITIZENSHIP AND NATURALIZATION.

SECTION 1992. All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

SECT. 1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

SECT. 1994. Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

SECT. 1996. All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost-marshal within sixty days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof.

SECT. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from

all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign States, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed; Therefore, any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.

SECT. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

SECT. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

SECT. 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:—

1. He shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the Territories, or a court of record of any of the States having common-law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject.

2. He shall, at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty; and, particularly, by name, to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

3. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held, one year at least; and that during that time he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the

same; but the oath of the applicant shall in no case be allowed to prove his residence.

4. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

5. Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the State or Territory where such court is at the time held; and on his declaring on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; and, also, on its appearing to the satisfaction of the court, that during such term of two years he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state

from which he came, on his, moreover, making in the Court an express renunciation of his title or order of nobility. All of the proceedings, required in this condition to be performed in the court, shall be recorded by the clerk thereof.

6. Any alien who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person, without a certificate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and

deemed a citizen of the United States. (Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the declaration of intention to become a citizen of the United States, required by section two thousand one hundred and sixty-five of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section two thousand one hundred and sixty-five; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section.)

SECT. 2166. Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States.

SECT. 2167. Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he

arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for two years next preceding, it has been his *bona fide* intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

SECT. 2168. When any alien, who has complied with the first condition specified in section twenty-one hundred and sixty-five, dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

SECT. 2169. The provisions of this Title shall apply to aliens (being free white persons, and to aliens) of African nativity and to persons of African descent.

SECT. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

SECT. 2171. No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within

the United States, or the territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

SECT. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the State in which such person was proscribed.

SECT. 2174. Every seaman, being a foreigner, who

declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant-vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States, for the purpose of manning and serving on board any merchant-vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

CRIMES RELATING TO NATURALIZATION.

SECTION 5895. In all cases where any oath or affidavit is made or taken under or by virtue of any law relating to the naturalization of aliens, or in any proceedings under such laws, any person taking or making such oath or affidavit, who knowingly swears falsely, shall be punished by imprisonment not more than five years, nor less than one year, and by a fine of not more than one thousand dollars.

SECT. 5424. Every person applying to be admitted a citizen, or appearing as a witness for any such person, who knowingly personates any other person than himself, or falsely appears in the name of a deceased person, or in an assumed or fictitious name, or falsely makes, forges, or counterfeits any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens ; or who utters, sells, disposes of, or uses as true or genuine, or for any unlawful purpose, any false, forged, ante-dated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified ; or sells or disposes of to any person other than the person for whom it was originally issued, any certificate of citizenship, or certificate showing any person to be admitted a citizen, shall be punished by imprisonment at hard labor not less than one year, nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

SECT. 5425. Every person who uses, or attempts to use, or aids, or assists, or participates in the use of any certificate of citizenship, knowing the same to be forged, or counterfeit, or ante-dated, or knowing the same to have been procured by fraud, or otherwise unlawfully obtained ; or who, without lawful excuse, knowingly is possessed of any false, forged, ante-dated, or counterfeit certificate of citizenship purporting to have issued under the provisions of any law of the United States relating to naturalization, knowing such certificate to be false, forged, ante-dated, or counterfeit, with intent unlawfully to use the same ; or obtains, accepts, or receives any certificate

of citizenship known to such person to have been procured by fraud or by the use of any false name, or by means of any false statement made with intent to procure, or to aid in procuring, the issue of such certificate, or known to such person to be fraudulently altered or ante-dated; and every person who has been or may be admitted to be a citizen who, on oath or by affidavit, knowingly denies that he has been so admitted, with intent to evade or avoid any duty or liability imposed or required by law, shall be imprisoned at hard labor not less than one year nor more than five years, or be fined not less than three hundred dollars nor more than one thousand dollars, or both such punishments may be imposed.

SECT. 5426. Every person who in any manner uses for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise, unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order, or certificate, judgment, or exemplification has been unlawfully issued or made; and every person who unlawfully uses or attempts to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be punished by imprisonment at hard labor not less than one year nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

SECT. 5427. Every person who knowingly and intentionally aids or abets any person in the commission of

any felony denounced in the three preceding sections, or attempts to do any act therein made felony, or counsels, advises, or procures, or attempts to procure, the commission thereof, shall be punished in the same manner and to the same extent as the principal party.

SECT. 5428. Every person who knowingly uses any certificate of naturalization heretofore granted by any court or hereafter granted, which has been or may be procured through fraud or by false evidence, or has been or may be issued by the clerk, or any other officer of the court, without any appearance and hearing of the applicant in court, and without lawful authority; and every person who falsely represents himself to be a citizen of the United States, without having been duly admitted to citizenship, for any fraudulent purpose whatever, shall be punishable by a fine of not more than one thousand dollars, or be imprisoned not more than two years, or both.

SECT. 5429. The provisions of the five preceding sections shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced.

TREATIES ON NATURALIZATION.

Austro-Hungary,
Baden,
Bavaria,
Belgium,

Denmark,
Ecuador,
North German Union,
Sweden and Norway,

Württemberg.

AUSTRO-HUNGARY.

1870.

CONVENTION CONCERNING NATURALIZATION.

Concluded September 20, 1870; Ratifications exchanged at Vienna, July 14, 1871; Proclaimed August 1, 1871.

The President of the United States of America, and His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to the territories of the Austro-Hungarian Monarchy, and from the Austro-Hungarian Monarchy to the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a Convention, that is to say: —

The President of the United States of America, John Jay, Envoy Extraordinary and Minister Plenipotentiary from the United States to His Imperial and Royal Apostolic Majesty, and His Majesty the Emperor of Austria, etc., Apostolic King of Hungary, the Count Frederick Ferdinand de Beust, His Majesty's Privy Counsellor and Chamberlain, Chancellor of the Empire, Minister of the Imperial House and of Foreign Affairs, Grand Cross of the Orders of St. Stephen and Leopold, who have agreed to and signed the following articles: —

ARTICLE 1. Citizens of the Austro-Hungarian Monarchy who have resided in the United States of America uninterruptedly at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the Government of Austria and Hungary to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have resided in the territories of the Austro-Hun-

garian Monarchy uninterruptedly at least five years, and during such residence have become naturalized citizens of the Austro-Hungarian Monarchy, shall be held by the United States to be citizens of the Austro-Hungarian Monarchy, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ART. 2. A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country committed before his emigration, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

In particular, a former citizen of the Austro-Hungarian Monarchy, who, under the first article, is to be held as an American citizen, is liable to trial and punishment, according to the laws of Austro-Hungary, for non-fulfilment of military duty:—

1. If he has emigrated, after having been drafted at the time of conscription, and thus having become enrolled as a recruit for service in the standing army.

2. If he has emigrated whilst he stood in service under the flag, or had a leave of absence only for a limited time.

3. If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand, a former citizen of the Austro-

Hungarian Monarchy, naturalized in the United States, who by or after his emigration has transgressed the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one, two, and three, can on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfilment of his military duty.

ART. 3. The convention for the mutual delivery of criminals, fugitives from justice, concluded on the 3d July, 1856, between the Government of the United States of America on the one part, and the Austro-Hungarian Monarchy on the other part, as well as the additional convention, signed on the 8th May, 1848, to the treaty of commerce and navigation concluded between the said Governments on the 27th of August, 1829, and especially the stipulations of Article 4, of the said additional convention concerning the delivery of the deserters from the ships of war and merchant vessels, remain in force without change.

ART. 4. The emigrant from the one State, who, according to Article 1, is to be held as a citizen of the other State, shall not, on his return to his original country, be constrained to resume his former citizenship; yet, if he shall of his own accord reacquire it, and renounce the citizenship obtained by naturalization, such a renunciation is allowable, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

ART. 5. The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have

given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ART. 6. The present convention shall be ratified by the President of the United States, by and with the consent of the Senate of the United States, and by His Majesty the Emperor of Austria, etc., King of Hungary, with the constitutional consent of the two Legislatures of the Austro-Hungarian Monarchy, and the ratifications shall be exchanged at Vienna within twelve months from the date hereof.

IN FAITH WHEREOF the Plenipotentiaries have signed this convention as well in German as in English, and have thereto affixed their seals.

Done at Vienna the twentieth day of September, in the year of our Lord one thousand eight hundred and seventy, in the ninety-fifth year of the Independence of the United States of America, and in the twenty-second year of the reign of His Imperial and Royal Apostolic Majesty.

[Seal]

JOHN JAY.

[Seal]

BEUST.

BADEN.

TREATY CONCERNING NATURALIZATION.

Concluded July 19, 1868; Ratifications exchanged at Berlin December 7, 1869; Proclaimed January 10, 1870.

The President of the United States of America and His Royal Highness the Grand Duke of Baden, led by the wish to regulate the citizenship of those persons who emigrate from Baden to the United States of America, and from the United States of America to the territory of the Grand Duchy, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries; that is to say:—

The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary from the said States near the Grand Duke of Baden; and His Royal Highness the Grand Duke of Baden, his President of the Ministry of the Grand-Ducal House and of Foreign Affairs and Chamberlain, Rudolf von Freydorf;

Who have agreed to and signed the following articles:—

ARTICLE 1. Citizens of the Grand Duchy of Baden, who have resided uninterruptedly within the United States of America five years, and before, during, or after that time, have become or shall become naturalized citizens of the United States, shall be held by Baden to be American citizens, and shall be treated as such. Reciprocally, citizens of the United States of America, who have resided uninterruptedly within the Grand Duchy of Baden five years, and before, during, or after that time, have become or shall become naturalized citizens of the Grand Duchy of Baden, shall be held by the United States to be citizens of Baden, and shall be treated as such. The declaration of an intention to become a citi-

zen of the one or the other country has not for either party the effect of naturalization.

ART. 2. A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment. In particular, a former Badener who, under the first article, is to be held as an American citizen, is liable to trial and punishment according to the laws of Baden for non-fulfilment of military duty:—

1. If he has emigrated after he, on occasion of the draft from those owing military duty, has been enrolled as a recruit for service in the standing army.

2. If he has emigrated whilst he stood in service under the flag, or had a leave of absence only for a limited time.

3. If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand, a former Badener, naturalized in the United States, who, by or after his emigration, has transgressed or shall transgress the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one to three, can, on his return to his original country, neither be held subsequently to military service, nor remain liable to trial and punishment for the non-fulfilment of his mil-

itary duty. Moreover, the attachment on the property of an emigrant for non-fulfilment of his military duty, except in the cases designated in the clauses numbered one to three, shall be removed so soon as he shall prove his naturalization in the United States according to the first article.

ART. 3. The convention for the mutual delivery of criminals, fugitives from justice, concluded between the Grand Duchy of Baden on the one part, and the United States of America on the other part, the thirtieth day of January, one thousand eight hundred and fifty seven, remains in force without change.

ART. 4. The emigrant from the one State who, according to the first article, is to be held as a citizen of the other State, shall not on his return to his original country be constrained to resume his former citizenship; yet if he shall of his own accord reacquire it and renounce the citizenship obtained by naturalization, such a renunciation is allowed, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

ART. 5. The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall remain in force until the end of twelve months after either of the contracting parties shall have given notice of such intention.

ART. 6. The present convention shall be ratified by His Royal Highness the Grand Duke of Baden, and by the President, by and with the advice and consent of the

Senate of the United States, and the ratifications shall be exchanged at Carlsruhe as soon as possible.

IN FAITH WHEREOF the Plenipotentiaries have signed and sealed this convention.

CARLSRUHE, the 19th July, 1868.

[Seal]

GEORGE BANCROFT.

[Seal]

V. FREYDORF.

BAVARIA.

1868.

TREATY CONCERNING NATURALIZATION.

Concluded May 26, 1868; Ratifications exchanged at Munich, September 18, 1868; Proclaimed October 8, 1868.

His Majesty the King of Bavaria and the President of the United States of America, led by the wish to regulate the citizenship of those persons who emigrate from Bavaria to the United States of America, and from the United States of America to the territory of the Kingdom of Bavaria, have resolved to treat on this subject, and have, for that purpose, appointed Plenipotentiaries to conclude a convention, that is to say : —

His Majesty the King of Bavaria, Dr. Otto, Baron of Voldern-dorff, Councillor of Ministry; and the President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary;

Who have agreed to and signed the following articles : —

ARTICLE 1. Citizens of Bavaria who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly

within the United States for five years, shall be held by Bavaria to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have become, or shall become, naturalized citizens of Bavaria, and shall have resided uninterruptedly within Bavaria five years, shall be held by the United States to be Bavarian citizens, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ART. 2. A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

ART. 3. The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and Bavaria on the other part, the twelfth day of September, one thousand eight hundred and fifty-three, remains in force without change.

ART. 4. If a Bavarian, naturalized in America, renews his residence in Bavaria, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American, naturalized in Bavaria, renews his residence in the United States, without the intent to return to Bavaria, he shall be held to have renounced his natu-

ralization in Bavaria. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

ART. 5. The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ART. 6. The present convention shall be ratified by His Majesty the King of Bavaria and by the President, by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Munich within twelve months from the date thereof.

IN FAITH WHEREOF the Plenipotentiaries have signed and sealed this convention.

MUNICH, the 26th May, 1868.

[Seal] GEORGE BANCROFT.

[Seal] DR. OTTO FHR. VON VOLDERNDORFF.

PROTOCOL.

Done at Munich the 26th May, 1868.

The undersigned met to-day to sign the treaty agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from Bavaria to the United States of America, and from the United States of America to Bava-

ria; on which occasion the following observations, more exactly defining and explaining the contents of this treaty, were entered in the following protocol:—

I.

RELATING TO THE FIRST ARTICLE OF THE TREATY.

1. Inasmuch as the copulative “and” is made use of, it follows, of course, that not the naturalization alone, but an additional five years’ uninterrupted residence is required, before a person can be regarded as coming within the treaty; but it is by no means requisite that the five years’ residence should take place after the naturalization. It is hereby further understood that if a Bavarian has been discharged from his Bavarian indigénate, or, on the other side, if an American has been discharged from his American citizenship in the manner legally prescribed by the Government of his original country, and then acquires naturalization in the other country in a rightful and perfectly valid manner, then an additional five years’ residence shall no longer be required, but a person so naturalized shall from the moment of his naturalization be held and treated as a Bavarian, and reciprocally as an American citizen.

2. The words “resided uninterruptedly” are obviously to be understood, not of a continual bodily presence, but in the legal sense, and therefore a transient absence, a journey, or the like, by no means interrupts the period of five years contemplated by the first article.

II.

RELATING TO THE SECOND ARTICLE OF THE TREATY.

1. It is expressly agreed that a person who, under the first article, is to be held as an adopted citizen of the other State, on his return to his original country cannot be made punishable for the act of emigration itself, not even though at a later day he should have lost his adopted citizenship.

III.

RELATING TO ARTICLE FOUR OF THE TREATY.

1. It is agreed on both sides that the regulative powers granted to the two Governments respectively by their laws for protection against resident aliens, whose residence endangers peace and order in the land, are not affected by the treaty. In particular, the regulation contained in the second clause of the tenth article of the Bavarian military law of the 30th of January, 1868, according to which Bavarians emigrating from Bavaria before the fulfilment of their military duty cannot be admitted to a permanent residence in the land till they shall have become thirty-two years old, is not affected by the treaty. But yet it is established and agreed, that by the expression "permanent residence" used in the said article, the above described emigrants are not forbidden to undertake a journey to Bavaria for a less period of time and for definite purposes, and the royal Bavarian Government, moreover, cheerfully declares itself ready, in all cases in which the emigration has plainly taken place in good faith, to allow a mild rule in practice to be adopted.

2. It is hereby agreed that when a Bavarian naturalized in America, and reciprocally an American naturalized in Bavaria, takes up his abode once more in his original country without the intention of return to the country of his adoption, he does by no means thereby recover his former citizenship; on the contrary, in so far as it relates to Bavaria, it depends on His Majesty the King whether he will or will not in that event grant the Bavarian citizenship anew.

The article fourth shall accordingly have only this meaning, that the adopted country of the emigrant cannot prevent him from acquiring once more his former citizenship; but not that the State to which the emigrant originally belonged is bound to restore him at once to his original relation.

On the contrary, the citizen naturalized abroad must first apply to be received back into his original country in the manner prescribed by its laws and regulations, and must acquire citizenship anew, exactly like any other alien.

But yet it is left to his own free choice whether he will adopt that course or will preserve the citizenship of the country of his adoption.

The two Plenipotentiaries give each other mutually the assurance that their respective Governments in ratifying this treaty will also regard as approved and will maintain the agreements and explanations contained in the present protocol, without any further formal ratification of the same.

[Seal]

GEORGE BANCROFT.

[Seal]

DR. OTTO FHR. VON VOLDERENDORFF.

BELGIUM.

CONVENTION CONCERNING NATURALIZATION.

Concluded November 16, 1868; Ratifications exchanged at Brussels July 10, 1869; Proclaimed July 30, 1869.

The President of the United States of America and His Majesty the King of the Belgians, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Belgium, and from Belgium to the United States of America, have resolved to make a convention on this subject, and have appointed for their Plenipotentiaries, namely:

The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians; and His Majesty the King of the Belgians, the Sieur Jules Vander Stichelen, Grand Cross of the Order of the Dutch Lion, etc., etc., etc., his Minister of Foreign Affairs;

Who, after having communicated to each other their full powers, found to be in good and proper form, have agreed upon the following articles:

ARTICLE 1. Citizens of the United States who may or shall have been naturalized in Belgium will be considered by the United States as citizens of Belgium. Reciprocally, Belgians who may or who shall have been naturalized in the United States, will be considered by Belgium as citizens of the United States.

ART. 2. Citizens of either contracting party, in case of their return to their original country, can be prosecuted there for crimes or misdemeanors committed before naturalization, saving to them such limitations as are established by the laws of their original country.

ART. 3. Naturalized citizens of either contracting party, who shall have resided five years in the country

which has naturalized them, cannot be held to the obligation of military service in their original country, or to incidental obligation resulting therefrom, in the event of their return to it, except in cases of desertion from organized and embodied military or naval service, or those that may be assimilated thereto by the laws of that country.

ART. 4. Citizens of the United States naturalized in Belgium shall be considered by Belgium as citizens of the United States when they shall have recovered their character as citizens of the United States, according to the laws of the United States. Reciprocally, Belgians naturalized in the United States shall be considered as Belgians by the United States when they shall have recovered their character as Belgians according to the laws of Belgium.

ART. 5. The present convention shall enter into execution immediately after the exchange of ratifications, and shall remain in force for ten years. If, at the expiration of that period, neither of the contracting parties shall have given notice six months in advance of its intention to terminate the same, it shall continue in force until the end of twelve months after one of the contracting parties shall have given notice to the other of such intention.

ART. 6. The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate; and by His Majesty the King of the Belgians, with the consent of Parliament; and the ratifications shall be exchanged at Brussels within twelve months from the date hereof, or sooner if possible.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the same and affixed thereto their seals.

Made in duplicate at Brussels, the sixteenth of November, eighteen hundred and sixty-eight.

[Seal]

H. S. SANFORD.

[Seal]

JULES VANDER STICHELEN.

DENMARK.

CONVENTION RELATIVE TO NATURALIZATION.

Concluded July 20, 1872; Ratifications exchanged at Copenhagen, March 14, 1873; Proclaimed April 15, 1873.

The United States of America and His Majesty the King of Denmark being desirous to regulate the citizenship of the citizens of the United States of America who have emigrated, or who may emigrate, from the United States of America to the Kingdom of Denmark, and of Danish subjects who have emigrated, or who may emigrate from the Kingdom of Denmark to the United States of America, have resolved to conclude a convention for that purpose, and have named as their Plenipotentiaries, that is to say, the President of the United States of America: Michael J. Cramer, Minister Resident of the United States of America at Copenhagen; and His Majesty the King of Denmark: Otto Ditley Baron Rosenorn-Lehn, Commander of Danebrog and Danebrogsmand, Chamberlain, His Majesty's Minister for Foreign Affairs, etc., etc., etc.; who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles, to wit:—

ARTICLE 1. Citizens of the United States of America who have become, or shall become, and are, naturalized, according to law, within the Kingdom of Denmark as Danish subjects, shall be held by the United States

of America to be in all respects and for all purposes Danish subjects, and shall be treated as such by the United States of America.

In like manner, Danish subjects who have become, or shall become, and are, naturalized, according to law, within the United States of America as citizens thereof, shall be held by the Kingdom of Denmark to be in all respects and for all purposes as citizens of the United States of America, and shall be treated as such by the Kingdom of Denmark.

ART. 2. If any such citizen of the United States, as aforesaid, naturalized within the Kingdom of Denmark as a Danish subject, should renew his residence in the United States, the United States Government may, on his application, and on such conditions as that Government may see fit to impose, re-admit him to the character and privileges of a citizen of the United States, and the Danish Government shall not, in that case, claim him as a Danish subject on account of his former naturalization.

In like manner, if any such Danish subject, as aforesaid, naturalized within the United States as a citizen thereof, should renew his residence within the Kingdom of Denmark, His Majesty's Government may, on his application, and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a Danish subject, and the United States Government shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

ART. 3. If, however, a citizen of the United States, naturalized in Denmark, shall renew his residence in the

former country without the intent to return to that in which he was naturalized, he shall be held to have renounced his naturalization.

In like manner, if a Dane, naturalized in the United States, shall renew his residence in Denmark without the intent to return to the former country, he shall be held to have renounced his naturalization in the United States.

The intent not to return may be held to exist, when a person naturalized in the one country shall reside more than two years in the other country.

ART. 4. The present convention shall go into effect immediately on or after the exchange of the ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ART. 5. The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark, and the ratifications shall be exchanged at Copenhagen as soon as may be within eight months from the date hereof.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Copenhagen, the twentieth day of July, in the year of our Lord one thousand eight hundred and seventy-two.

[Seal]

[Seal]

MICHAEL J. CRAMER.

O. D. ROSENORN-LEHN.

ITALY.

PROPOSED TREATY OF NATURALIZATION WITH ITALY.

ARTICLE 1. Citizens of the United States who have applied for naturalization and become naturalized in Italy, shall be considered as Italian citizens by the United States.

Reciprocally, Italians who have applied for naturalization and become naturalized in the United States shall be considered as citizens of the United States by Italy.

ART. 2. Citizens of the United States who have become naturalized in Italy shall be considered by Italy as citizens of the United States when they shall have again become naturalized according to the laws of their native country.

Reciprocally, Italians naturalized in the United States shall be considered as Italians by the United States when they shall again have acquired Italian citizenship according to the laws of the Kingdom.

ART. 3. This convention shall take effect immediately after the exchange of its ratifications and shall remain in force for ten years.

If at the expiration of this time neither of the two parties shall have notified the other in advance of its intention to cause its effects to cease, it shall retain obligatory force until the expiration of twelve months after one of the contracting parties shall have notified the other of such intention.

To this objections were raised by the United States, in particular to Article 1, that citizenship should be conferred by naturalization only upon persons who make

application therefor, which would exclude Italian women intermarrying with Americans, who under the laws of the United States thereby become themselves American citizens. It would likewise exclude children of Italians who become naturalized in this country, — such children under the laws of the United States becoming citizens of this country, if dwelling here, by the mere fact of the naturalization of the father.

To incorporate this provision in the treaty would be to deny by implication at least to the wives and minor children of Italians who apply for and obtain naturalization here, the right and recognition as American citizens to which, by Italian law, they are entitled.

F. R. of U. S. 1894, pp. 361, 364, 365.

In this connection attention is called to the following case : —

In 1893 Mrs. Lester Lawrence went to Swatow in China and opened a hotel and barroom. Under British regulations she was subject to a fine of \$250 for opening the hotel, and \$50 per day, unless she took out a license. There was no such American regulation. Mrs. Lawrence claimed to be a citizen of the United States, on the ground that she was originally a British subject, that she might have been naturalized, and that she married a citizen of the United States and under Paragraph 1994 Revised Statutes, 1878, shall be deemed a citizen, citing *Kelly v. Owen*, 7 Wall. 496, in contention of her claim; notwithstanding she had obtained a divorce from her American husband by the judgment of the Court of the United States Consulate at Ninchwang.

It was held, Mrs. Lawrence by her marriage became an American citizen both by British and American law;

she is undoubtedly still an American citizen viewed either from the American or English standpoint. She has not lost her American nationality by any method recognized by our law; and according to British law, an English woman who by marriage acquires foreign citizenship must, in order to re-acquire her original nationality upon her husband's death, obtain a certificate therefor from the British authorities. It is not believed that any different rule would be applied where the parties are divorced. As Mrs. Lawrence claims American citizenship it is assumed that she has not taken any steps to re-acquire British nationality.

F. R. of U. S. 1894, pp. 138, 139.

Webster on Citizenship, p. 299.

Phillimore, vol. iv. pp. 63, 64.

Pennsylvania v. Ravenel, 21 How. 103.

A further objection raised to the proposed treaty with Italy on naturalization was to the effect that the United States declined to recognize the right of the Italian Government to the military service of Italians who, after being naturalized here, return to Italy, still retaining their American citizenship, which was made because of a further proposition from the Italian authorities to the effect that the Italian Government could not accept any article that in its nature should be at variance with the provisions concerning recruiting for the royal army.

The United States would admit of the right to enforce military service where the obligation had accrued before the emigration of the party to this country, but not otherwise.

The attention of the Italian Government was invited to Article 1 of the naturalization treaty with Belgium,

Article 2 of the treaty with Austro-Hungary, and Article 4 of the treaty with the North German Union.

F. R. of U. S. 1894, p. 365.

NATURALIZATION WITH TURKEY.

A treaty on naturalization was in substance agreed to between the United States and the Ottoman Government in 1875, the ratification of which has been delayed by the Turkish Government, among other reasons, because "the modifications introduced by the United States Senate to our convention on naturalization were not such as to justify their approval by the Turkish Government."

F. R. of U. S. 1894, p. 780.

The position maintained by the Turkish Government on this question is, that it is impossible for the Turkish Government to discriminate in favor of any class of her subjects. All subject themselves to punishment who attempt to transfer their allegiance without the Sultan's permission.

1. A naturalized citizen of the United States of Greek origin, if born in the Ottoman Empire, will be subjected to exclusion or expulsion from Turkey on his return if he was naturalized since 1869 without the Sultan's consent.

2. The right claimed to expel for the offence of obtaining foreign citizenship without the Sultan's consent, will be applied less rigidly to one of Greek descent than to an Armenian so long as those of the former class abstain from disloyal practices.

3. The Government of the United States has given its consent for the expulsion of naturalized citizens of Armenian origin not because they have been naturalized in the United States without the Sultan's consent, but because the Turkish Government regarded them with suspicion as dangerous and seditious.

4. The Turkish authorities replied to an inquiry on these points : " It is impossible for us ever to agree that an Ottoman subject can transfer his allegiance unless the Sultan permits it, and it is also impossible that we can ever agree to your construction of Article 4, of the treaty of 1830. Once a clerk of our government embezzled 50,000 piasters. We arrested him, ignorant that your country had naturalized him. Your consul claimed the right to try him ; we could not consent, and the thief went unpunished."

F. R. of U. S. 1894, pp. 736, 737.

CONVENTION BETWEEN THE UNITED STATES
OF AMERICA AND THE EMPIRE OF CHINA.

*Signed at Washington, March 17, 1894; Ratification
advised by the Senate, August 13, 1894; Ratified by
the President August 22, 1894; Ratified by the Em-
peror of China in due form; Ratifications exchanged
at Washington, December 7, 1894; Proclaimed Decem-
ber 8, 1894.*

BY THE PRESIDENT OF THE UNITED STATES OF
AMERICA.

A PROCLAMATION.

WHEREAS, a convention between the United States of America and China, concerning the subject of emigration between those two countries, was concluded and signed by their respective Plenipotentiaries at the city of Washington on the seventeenth day of March, one thousand eight hundred and ninety-four, which convention is word for word as follows:—

Whereas, on the 17th day of November A. D. 1880, and of Kwanghsu, the sixth year, tenth moon, fifteenth day, a treaty was concluded between the United States and China, for the purpose of regulating, limiting, or suspending the coming of Chinese laborers to, and their residence in, the United States;

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States;

And whereas, the two Governments desire to co-operate in prohibiting such emigration, and to strengthen in other ways the bonds of friendship between the two countries;

And whereas the two Governments are desirous of adopting reciprocal measures for the better protection of the citizens or subjects of each within the jurisdiction of the other;

Now, therefore, the President of the United States has appointed Walter Q. Gresham, Secretary of State of the United States, as his

plenipotentiary, and His Imperial Majesty, the Emperor of China, has appointed Yang Yu, officer of the second rank, subdirector of the court of sacrificial worship, and Envoy Extraordinary and Minister Plenipotentiary to the United States of America, as his plenipotentiaries; and the said plenipotentiaries having exhibited their respective full powers, found to be in due and good form, have agreed upon the following articles: —

ARTICLE 1. The high contracting parties agree that for a period of ten years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

ART. 2. The preceding article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement. Nevertheless every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe, and not inconsistent with the provisions of this treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United

States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or other cause of disability beyond his control such Chinese laborer shall be rendered unable sooner to return, which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified, to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

ART. 3. The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travellers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government, or the Government where they last resided, vided by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

ART. 4. In pursuance of Article 3 of the immigration treaty between the United States and China, signed at Peking, on the 17th day of November, 1880 (the fifteenth

day of the tenth month of Kwanghsu, sixth year), it is hereby understood and agreed that Chinese laborers or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favored nation, excepting the right to become naturalized citizens. And the Government of the United States reaffirms its obligation, as stated in said Article 3, to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

ART. 5. The Government of the United States, having by an act of the Congress approved May 5, 1892, as amended by an act approved November 3, 1893, required all Chinese laborers lawfully within the limits of the United States before the passage of the first named act to be registered as in said acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of such acts, and reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations for the registration, free of charge, of all laborers, skilled or unskilled (not merchants as defined by said acts of Congress), citizens of the United States in China, whether residing within or without the treaty ports.

And the Government of the United States agrees that within twelve months from the date of the exchange of the ratifications of this convention, and annually thereafter, it will furnish to the Government of China registers or reports showing the full name, age, occupation, and number or place of residence of all other citizens of

the United States, including missionaries, residing both within and without the treaty ports of China, not including, however, diplomatic and other officers of the United States residing or travelling in China upon official business, together with their body and household servants.

ART. 6. This convention shall remain in force for a period of ten years beginning with the date of the exchange of ratifications, and, if six months before the expiration of the said period of ten years neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

IN FAITH WHEREOF, we, the respective Plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done, in duplicate, at Washington, the 17th day of March, A. D. 1894.

WALTER Q. GRESHAM. [Seal]

(Chinese signature.) [Seal]

ECUADOR CONVENTION CONCERNING NATURALIZATION

Concluded May 6, 1872; Ratification advised by Senate, May 23, 1872; Ratified by President, May 25, 1872; Ratified by President of Ecuador, September 30, 1873; Ratifications exchanged at Washington, November 6, 1873; Proclaimed November 24, 1873.

The United States of America and the Republic of Ecuador, being desirous of regulating the citizenship of persons who emigrate from Ecuador to the United States, and from the United States to the Republic of Ecuador, have decided to treat on this

subject; and for this purpose have named their respective Plenipotentiaries, to wit: the President of the United States, Hamilton Fish, Secretary of State, and the President of the Republic of Ecuador, Don Antonio Flores, accredited as Minister Resident of that Republic to the Government of the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:—

ARTICLE 1. Each of the two Republics shall recognize as *naturalized citizens* of the other, those persons who shall have been *therein duly naturalized*, after having resided uninterruptedly in their adopted country as long as may be required by its constitution or laws.

This article shall apply as well to those already naturalized in the countries of either of the contracting parties as to those who may be hereafter naturalized.

ART. 2. If a naturalized citizen of either country shall renew his residence in that where he was born, without an intention of returning to that where he was naturalized, he shall be held to have reassumed the obligations of his original citizenship, and to have renounced that which he had obtained by naturalization.

ART. 3. A residence of more than two years in the native country of a naturalized citizen shall be construed as an intention on his part to stay there without returning to that where he was naturalized. This presumption, however, may be rebutted by evidence to the contrary.

ART. 4. Naturalized citizens of either country, on returning to that where they were born, shall be subject to trial and punishment according to the laws, for offences committed *before their emigration*, saving always the limitations established by law.

ART. 5. A declaration of intention to become a citizen shall not have the effect of naturalization.

ART. 6. The present convention shall go into effect immediately on the exchange of ratifications, and it shall remain in full force for ten years. If neither of the contracting parties shall give notice to the other six months previously of its intention to terminate the same, it shall further remain in force until twelve months after either of the contracting parties shall have given notice to the other of such intention.

ART. 7. The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Ecuador, with the approval of the Congress of that Republic, and the ratifications shall be exchanged at Washington within eighteen months from the date hereof.

IN FAITH WHEREOF the Plenipotentiaries have signed and sealed this convention at the city of Washington this sixth day of May, in the year of our Lord one thousand eight hundred and seventy-two.

[Seal]

HAMILTON FISH.

[Seal]

ANTONIO FLORES.

GREAT BRITAIN.

CONVENTION ¹ RELATIVE TO NATURALIZATION.

Concluded May 18, 1870; Ratifications exchanged at London, August 10, 1870; Proclaimed September 16, 1870.

The President of the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to regulate the citizenship of citizens of the United

¹ See also Convention of February 23, 1871.

States of America who have emigrated or who may emigrate from the United States of America to the British dominions, and of British subjects who have emigrated or who may emigrate from the British dominions to the United States of America, have resolved to conclude a convention for that purpose, and have named as their Plenipotentiaries, that is to say:—

The President of the United States of America, John Lothrop Motley, Esquire, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Her Britannic Majesty; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the right Honorable George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a peer of the United Kingdom, a member of Her Britannic Majesty's most honorable Privy Council, Knight of the Most Noble Order of the Garter, Knight Grand Cross of the most honorable Order of the Bath, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:—

ARTICLE 1. Citizens of the United States of America who have become, or shall become, and are, naturalized according to law within the British dominions as British subjects, shall, subject to the provisions of Article 2, be held by the United States to be in all respects and for all purposes British subjects, and shall be treated as such by the United States.

Reciprocally, British subjects who have become, or shall become, and are, naturalized according to law, within the United States of America as citizens thereof, shall, subject to the provisions of Article 2, be held by Great Britain to be in all respects and for all purposes citizens of the United States, and shall be treated as such by Great Britain.

ART. 2. Such citizens of the United States as aforesaid who have become and are naturalized within the

dominions of Her Britannic Majesty as British subjects, shall be at liberty to renounce their naturalization and to resume their nationality as citizens of the United States, provided that such renunciation be publicly declared within two years after the exchange of the ratifications of the present convention.

Such British subjects as aforesaid who have become and are naturalized as citizens within the United States, shall be at liberty to renounce their naturalization and to resume their British nationality, provided that such renunciation be publicly declared within two years after the twelfth day of May, 1870.

The manner in which this renunciation may be made and publicly declared shall be agreed upon by the Governments of the respective countries.

ART. 3. If any such citizen of the United States as aforesaid, naturalized within the dominions of Her Britannic Majesty, should renew his residence in the United States, the United States Government may, on his own application and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a citizen of the United States, and Great Britain shall not, in that case, claim him as a British subject on account of his former naturalization.

In the same manner, if any such British subject as aforesaid naturalized in the United States should renew his residence within the dominions of Her Britannic Majesty, Her Majesty's Government may, on his own application, and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a British subject, and the United States shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

ART. 4. The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at London the thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy.

[Seal]

JOHN LOTHROP MOTLEY.

[Seal]

CLARENDON.

CONVENTION CONCERNING THE RENUNCIATION OF NATURALIZATION IN CERTAIN CASES, SUPPLEMENTAL TO THE CONVENTION OF MAY 13, 1870.

Signed February 23, 1871; Ratifications exchanged at Washington May 4, 1871; Proclaimed May 5, 1871.

WHEREAS by the second article of the convention between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for regulating the citizenship of citizens and subjects of the contracting parties who have emigrated, or may emigrate, from the dominions of the one to those of the other party, signed at London on the 18th of May, 1870, it was stipulated that the manner in which the renunciation by such citizens and subjects of their naturalization, and the resumption of their native allegiance may be made and publicly declared, should be agreed upon by the Governments of the respective countries, the President of the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the purpose of effecting such agreement, have resolved to conclude a supplemental convention, and have named

as their Plenipotentiaries, that is to say, the President of the United States of America, Hamilton Fish, Secretary of State, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Edward Thornton, Knight Commander of the most honorable Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America; who have agreed as follows:—

ARTICLE 1. Any person being originally a citizen of the United States, who had previously to May 13, 1870, been naturalized as a British subject, may, at any time before August 10, 1872, and any British subject who, at the date first aforesaid, had been naturalized as a citizen within the United States, may, at any time before May 12, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing, substantially in the form hereunto appended, and designated as Annex A.

Such renunciation, by an original citizen of the United States, of British nationality, shall, within the territories and jurisdiction of the United States, be made in duplicate, in the presence of any court authorized by law for the time being to admit aliens to naturalization, or before the clerk or prothonotary of any such court; if the declarant be beyond the territories of the United States, it shall be made in duplicate, before any diplomatic or consular officer of the United States. One of such duplicates shall remain of record in the custody of the court or officer in whose presence it was made; the other shall be, without delay, transmitted to the Department of State.

Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of the United States, shall, if the declarant be in the United

Kingdom of Great Britain and Ireland, be made in duplicate, in the presence of a justice of the peace; if elsewhere in Her Britannic Majesty's dominions, in triplicate, in the presence of any judge of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in triplicate, in the presence of any officer in the diplomatic or consular service of Her Majesty.

ART. 2. The contracting parties hereby engage to communicate each to the other, from time to time, lists of the persons who, within their respective dominions and territories, or before their diplomatic and consular officers, have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the above of the declarants, and the times and places of their naturalization, as they may have furnished.

ART. 3. The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged at Washington as soon as may be convenient.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington the twenty-third day of February, in the year of our Lord one thousand eight hundred and seventy-one.

[Seal]

[Seal]

HAMILTON FISH.

EDWD. THORNTON.

ANNEX A.

I, A. B., of (insert abode), being originally a citizen of the United States of America (or a British subject), and having become naturalized within the dominions of Her Britannic Majesty as a British subject (or as a citizen within the United States of America), do hereby renounce my naturalization as a British subject (or citizen of the United States) and declare that it is my desire to resume my nationality as a citizen of the United States (or British subject).

[Signed]

A. B.

Made and subscribed to before me, , in (insert country or other subdivision, and State, province, colony, legation, or consulate), this day of 187 .

[Signed]

E. F.

Justice of the Peace (or other title).

[Seal]

HAMILTON FISH.

[Seal]

EDWD. THORNTON.

NORTH GERMAN UNION.

1868.

CONVENTION RELATIVE TO NATURALIZATION.

Concluded February 22, 1868; Ratifications exchanged at Berlin, May 9, 1868; Proclaimed May 27, 1868.

The President of the United States of America and His Majesty the King of Prussia in the name of the North German Confederation, led by the wish to regulate the citizenship of those persons who emigrate from the North German Confederation to the United States of America, and from the United States of America to the territory of the North German Confederation, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a convention, that is to say: The President

of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary from the said States near the King of Prussia and the North German Confederation; and His Majesty the King of Prussia, Bernhard König, Privy Councillor of Legation; who have agreed to and signed the following articles :

ARTICLE 1. Citizens of the North German Confederation, who become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the North German Confederation to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who become naturalized citizens of the North German Confederation, and shall have resided uninterruptedly within North Germany five years, shall be held by the United States to be North German citizens, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

This article shall apply as well to those already naturalized in either country as those hereafter naturalized.

ART. 2. A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving, always, the limitations established by the laws of his original country.

ART. 3. The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part and Prussia and other States of Germany on the other part, the sixteenth day of June, one thousand eight hundred

and fifty-two, is hereby extended to all the States of the North German Confederation.

ART. 4. If a German naturalized in America renews his residence in North Germany, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in North Germany renews his residence in the United States, without the intent to return to North Germany, he shall be held to have renounced his naturalization in North Germany. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

ART. 5. The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ART. 6. The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the King of Prussia, in the name of the North German Confederation; and the ratifications shall be exchanged at Berlin within six months from the date hereof.

IN FAITH WHEREOF, the Plenipotentiaries have signed and sealed this convention.

BERLIN, the 22d of February, 1868.

[Seal]

[Seal]

GEORGE BANCROFT.

BERNHARD KÖNIG.

SWEDEN AND NORWAY.

1869.

CONVENTION AND PROTOCOL RELATIVE TO NATURALIZATION.

Concluded May 26, 1869; Ratifications exchanged at Stockholm, June 14, 1871; Proclaimed January 12, 1872.

The President of the United States of America and His Majesty the King of Sweden and Norway, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Sweden and Norway and their dependencies and territories, and from Sweden and Norway to the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a convention, that is to say: The President of the United States of America, Joseph J. Bartlett, Minister Resident; and His Majesty the King of Sweden and Norway, Count Charles Wachtmeister, Minister of State for Foreign Affairs: who have agreed to and signed the following articles:—

ARTICLE 1. Citizens of the United States of America who have resided in Sweden or Norway for a continuous period of at least five years, and during such residence have become and are lawfully recognized as citizens of Sweden or Norway, shall be held by the Government of the United States to be Swedish or Norwegian citizens, and shall be treated as such.

Reciprocally, citizens of Sweden or Norway who have resided in the United States of America for a continuous period of at least five years, and during such residence have become naturalized citizens of the United

States, shall be held by the Government of Sweden and Norway to be American citizens, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of citizenship legally acquired.

ART. 2. A recognized citizen of the one party, on returning to the territory of the other, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

ART. 3. If a citizen of the one party, who has become a recognized citizen of the other party, takes up his abode once more in his original country, and applies to be restored to his former citizenship, the Government of the last-named country is authorized to receive him again as a citizen, on such conditions as the said Government may think proper.

ART. 4. The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part and Sweden and Norway on the other part, the 21st March, 1860, remains in force without change.

ART. 5. The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after

either of the contracting parties shall have given notice to the other of such intention.

ART. 6. The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the King of Sweden and Norway; and the ratifications shall be exchanged at Stockholm within twenty-four months from the date hereof.

IN FAITH WHEREOF the Plenipotentiaries have signed and sealed this convention.

STOCKHOLM, May 26, 1869.

[Seal]

JOSEPH J. BARTLETT.

[Seal]

C. WACHTMEISTER.

WÜRTENBERG.

CONVENTION RELATIVE TO NATURALIZATION AND FOR EXTRADITION OF CRIMINALS.

Concluded July 27, 1868; Ratifications exchanged at Stuttgart, August 17, 1869; Exchange of Ratifications consented to by the Senate, March 2, 1870; Proclaimed March 7, 1870.

The President of the United States of America and His Majesty the King of Würtemberg, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Würtemberg, and from Würtemberg to the territory of the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a convention, that is to say: The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary, and His Majesty the King of Würtem-

berg, his Minister of the Royal House and of Foreign Affairs, Charles Baron Varnbuler, who have agreed to and signed the following articles : —

ARTICLE 1. Citizens of Würtemberg, who have become or shall become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by Würtemberg to be American citizens, and shall be treated as such. Reciprocally, citizens of the United States of America, who have become or shall become naturalized citizens of Würtemberg, and shall have resided uninterruptedly within Würtemberg five years, shall be held by the United States to be citizens of Würtemberg, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ART. 2. A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

ART. 3. If a Würtemberger, naturalized in America, renews his residence in Würtemberg without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in Würtemberg renews his residence in the United States without the intent to return to Würtemberg, he shall be held to have renounced his naturalization in Würtemberg. The intent

not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

ART. 4. The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months' after either of the high contracting parties shall have given notice to the other of such intention.

ART. 5. The present convention shall be ratified by His Majesty the King of Würtemberg, with the consent of the Chambers of the Kingdom, and by the President by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Stuttgart as soon as possible, within twelve months from the date hereof.

IN FAITH WHEREOF the Plenipotentiaries have signed and sealed this convention.

STUTTGART, the 27 of July, 1868.

[Seal]
[Seal]

GEO. BANCROFT.
FREIHERR VON VARNBULER.

PROTOCOL EXPLANATORY OF THE CONVENTION.

Done at Stuttgart, the 27th July, 1868.

The undersigned met to-day to sign the treaty agreed upon, in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from the United States of America to Würtemberg and from Würtemberg to the United States of America; on which occasion the following observations more exactly defining and explaining the contents of this treaty were entered in the following protocol:—

I.

RELATING TO THE FIRST ARTICLE OF THE TREATY.

1. It is of course understood that not the naturalization alone, but a five years uninterrupted residence is also required, before a person can be regarded as coming within the treaty; but it is by no means requisite, that the five years residence should take place after the naturalization.

Yet, it is hereby agreed that if citizens of the one State become legally naturalized in the other State before they have resided there five years, the persons so naturalized, from the moment of their naturalization, have to exercise all civil rights and are liable to all civil duties in the State into which they have been adopted.

2. The words “resided uninterruptedly” are obviously to be understood, not of a continual bodily presence, but in the legal sense; and therefore a transient absence, a journey or the like, by no means interrupts the period of five years contemplated by the first article.

II.

RELATING TO THE SECOND ARTICLE OF THE TREATY.

On the side of Würtemberg, it is agreed that all former Würtembergers, who under the first article of this treaty are to be held as American citizens, may, whether they have emigrated before or after the age of liability to military service, return to their original country, free from military duties and penalties and with a claim to the delivery of the property which may have been sequestered, with the exception of those Würtemberg emigrants liable to military duty who have taken to flight,

1. After their enrolment in the active army and before their discharge from the same, or,

2. After they (a) have been called into service with the class of their age or on occasion of placing the military force on a war footing, or (b) have been present at a muster and been designated as a part of the contingent.

III.

RELATING TO THE FOURTH ARTICLE OF THE TREATY.

It is agreed that the fourth article shall not receive the interpretation, that the naturalized citizen of the one State who returns to the other State, his original country, and there takes up his residence does by that act alone recover his former citizenship; nor can it be assumed that the State to which the emigrant originally belonged is bound to restore him at once to his original relation. On the contrary, it is only intended to be declared : that the emigrant so returning, is

authorized to acquire the citizenship of his former country, in the same manner as other aliens in conformity to the laws and regulations which are there established, yet it is left to his own free choice whether he will adopt that course, or will preserve the citizenship of the country of his adoption. With regard to this choice, after a two years residence in his original country he is bound, if so requested by the proper authorities, to make a distinct declaration, upon which these authorities can come to a decision as the case may be, with regard to his being received again into citizenship or his further residence in the manner prescribed by law.

[Seal]

GEO. BANCROFT.

[Seal]

FREIHERR VON VARNBULER.

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